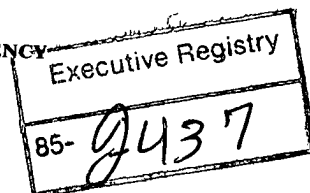


CENTRAL INTELLIGENCE AGENCY



Director, Office of Legislative Liaison 7 June 1985


14 JUN 1985

NOTE TO: DCI

o Senate debate, Contra funding, yesterday
(should you be pining for weekend reading).

o Dialog begins pg. 7588 with Dodd Amendment
(voting results pg. 7598). Kennedy Amendment,
pg. 7599 (results pg. 7610). Hart Amendment,
pg. 7610 (results pg. 7616). Biden Amendment,
pg. 7617 (results pg. 7627). As you know, all
these were rejected.

o Nunn Amendment debate begins on pg. 7627
(results: accepted, pg. 7648).


Charles A. Briggs

STAT

*Continuation of Senate Proceedings of June 5, 1985, Issue
No. 73; and Proceedings of June 6, 1985, Issue No. 74.*

Vol. 131

WASHINGTON, THURSDAY, JUNE 6, 1985

No. 74

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of America

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Continuation of Senate Proceedings of June 5, 1985, Issue No. 73; and Proceedings of June 6, 1985, Issue No. 74.



United States
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, FIRST SESSION

Vol. 131

WASHINGTON, WEDNESDAY, JUNE 5, 1985

No. 73

Senate

(Legislative day of Monday, June 3, 1985)

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1986

(Continued)

The text of the bill (S. 1160), as amended, was passed by a vote of 92 to 3, as follows:

S. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1986".

ORGANIZATION

SEC. 2. This Act is divided into four divisions as follows:

- (1) DIVISION A—Department of Defense Authorization.
- (2) DIVISION B—Military Construction Authorization.
- (3) DIVISION C—Department of Energy National Security and Military Applications of Nuclear Energy Authorization.
- (4) DIVISION D—Civil Defense.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATION

SHORT TITLE

SEC. 100. This division may be cited as the "Department of Defense Authorization Act, 1986".

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft, missiles, weapons, and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

For aircraft, \$3,737,500,000.
For missiles, \$3,347,700,000.
For weapons and tracked combat vehicles, \$5,213,300,000.

For ammunition, \$2,408,300,000.

For other procurement, \$5,049,500,000.

(b) None of the funds appropriated pursuant to this or any other Act may be used for the purpose of procuring the Division Air Defense system under option III of the contract for the procurement of the system in effect on the date of enactment of this Act or for the purpose of entering into a new contract for the production and assembly of the Division Air Defense system until—

(1) the follow-on testing and evaluation of the Division Air Defense system ordered by the Secretary of Defense on September 28, 1984, has been completed;

(2) the Secretary of Defense has reported the results of the testing and evaluation to the Committees on Armed Services of the Senate and the House of Representatives and has certified to such committees that, on the basis of those results, further acquisition of operational fire units of the system is justified; and

(3) 30 days have elapsed after the date on which the committees received the report required by clause (2).

(c) The Secretary of the Army may not enter into a multiyear contract for the procurement of the Armored Combat Earth-mover (ACE).

(d)(1)(A) Except as provided in subsection (b) none of the funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used for the purpose of entering into a new contract for the procurement of 5-ton trucks for the Army until the Secretary of the Army certifies to the Committees on Armed Services of the Senate and the House of Representatives that all truck engines described in subparagraph (B) have been tested as provided in subparagraph (C).

(B) The truck engines referred to in subparagraph (A) are engines that (i) meet the specifications of the Army for engines for 5-ton trucks, and (ii) are available from sources competing for the award of a contract for the supply of engines to the Army for the 5-ton trucks that are to be procured under a multiyear contract that is to succeed the multiyear contract referred to in paragraph (2).

(C) The engine testing referred to in subparagraph (A) shall be carried out in 5-ton trucks configured in the M939 technical data package of the Army and shall include tests to determine whether—

- (i) the engine is durable in a mission profile for at least 20,000 miles; and
- (ii) the performance reliability of the engine for high ambient temperature cooling, cold starting, deep water fording, grade climbing, and noise is acceptable.

(2)(A) The Secretary of the Army is authorized to extend for a period not to exceed 18 months the multiyear contract for the procurement of 5-ton trucks that is in effect on the date of enactment of this Act.

(B) Funds made available to the Army for the procurement of 5-ton trucks in fiscal year 1985 may be used after the date of the enactment of this Act, and funds appropriated for the procurement of 5-ton trucks for the Army for fiscal year 1986 may be used after September 30, 1985, for the procurement of 5-ton trucks under an extension of the contract referred to in subparagraph (A).

(3) The Secretary of the Army shall take such action as is appropriate, consistent with the limitation set out in paragraph (1), to award a multiyear contract for the procurement of 5-ton trucks not later than May 1, 1986. Not later than February 1, 1986, the Secretary shall determine whether it is impracticable to award the contract on or before May 1, 1986. If the Secretary determines such action to be impracticable, he shall notify the Committees on Armed Services of the Senate and the House of Representatives of the determination on or before February 1, 1986.

(e) Notwithstanding the provisions of section 1502(a) of title 31, United States Code, or any other provision of law, funds appropriated for the Multiple Launch Rocket System (MLRS) program for fiscal year 1985 may be used to make economic order quantity purchases of materials and components for use with Multiple Launch Rocket System (MLRS) program end items proposed for procurement in fiscal year 1989.

(f) There is hereby authorized to be transferred to, and merged with, an amount appropriated to the Army for procurement of aircraft for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided for in appropriations Acts, the sum of \$104,000,000 to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Army remaining available for obligation.

(g) There are hereby authorized to be transferred to amounts appropriated for procurement for the Army for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) \$40,000,000 for the procurement of aircraft, to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Army remaining available for obligation;

(2) \$25,000,000 for the procurement of missiles, to be derived from amounts appro-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

S 7523

S 7524

CONGRESSIONAL RECORD — SENATE

June 5, 1985

procured for fiscal year 1985 for procurement of missiles for the Army remaining available for obligation;

(3) \$75,000,000 for the procurement of weapons and tracked combat vehicles, to be derived from amounts appropriated for fiscal year 1985 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation;

(4) \$140,000,000 for the procurement of ammunition for the Army, of which \$110,000,000 is to be derived from amounts appropriated for fiscal year 1985 for procurement of ammunition for the Army remaining available for obligation, and \$30,000,000 to be derived from amounts appropriated for fiscal year 1984 for the procurement of ammunition for the Army remaining available for obligation; and

(5) \$238,000,000 for other procurement for the Army, of which \$159,000,000 is to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Army remaining available for obligation, and \$79,000,000 to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Army remaining available for obligation.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

Sec. 102. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft, weapons (including missiles and torpedoes), shipbuilding and conversion, and other procurement for the Navy as follows:

For aircraft, \$11,344,600,000.

For weapons, (including missiles and torpedoes), \$5,470,200,000.

For shipbuilding and conversion, \$9,926,200,000.

For other procurement, \$5,279,400,000.

(b) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of \$1,614,800,000.

(c) The Secretary of the Navy may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of LHD-1 class amphibious assault ships. Such contracts may contain cancellation ceilings not to exceed the amount appropriated for the LHD-1 class amphibious assault ship program.

(d) Of the amount authorized in subsection (a) for shipbuilding and conversion, \$133,400,000 is available only for the aircraft carrier service life extension program. Not more than \$86,400,000 of such \$133,400,000 may be obligated or expended until—

(1) the Secretary of the Navy has certified to the Committees on Armed Services of the Senate and the House of Representatives that, taking into consideration all relevant factors, a full service life extension program for the U.S.S. Kitty Hawk can be carried out in fiscal year 1987 at the Philadelphia Naval Shipyard more cost effectively than through alternative means of achieving the same service life extension of such ship at other naval shipyards; and

(2) a period of 90 days has elapsed after the day on which the certification is received by the committees.

(e) None of the funds appropriated pursuant to the authorization of appropriations in subsection (a) may be obligated or expended for the procurement of C-12 or C-12 type aircraft unless such aircraft are procured through competitive procedures (as defined in section 2302(2) of title 10, United States Code).

(f) None of the funds appropriated pursuant to the authorization of appropriations in subsection (a) for shipbuilding and con-

version may be obligated or expended until after the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and the House of Representatives a final report on the procedures which would permit allied or friendly nations to construct diesel-electric submarines in United States shipyards.

(g) The Secretary of the Navy may not enter into a multiyear contract for the procurement of P-3C Orion aircraft.

(h) Any request for funds submitted to the Congress for fiscal year 1987 or any subsequent fiscal year for ship contract design necessary to support the procurement of ships contained in the Navy's five-year shipbuilding and conversion plan (at the time the request is submitted) shall be reflected in the Shipbuilding and Conversion account of the Navy.

(i)(1) Funds appropriated for fiscal years before fiscal year 1986 and remaining available for obligation are hereby authorized to be transferred to, and merged with, amounts appropriated pursuant to the authorization of appropriations for shipbuilding and conversion, Navy, in subsection (a), to the extent provided in appropriation Acts, in the total amount of \$437,600,000. Such amount shall be derived in accordance with paragraph (2).

(2) Amounts transferred pursuant to paragraph (1) to amounts appropriated for shipbuilding and conversion pursuant to the authorization of appropriations in subsection (a) shall be derived from amounts appropriated for shipbuilding and conversion for the Navy for fiscal years before fiscal year 1986 as follows:

(A) \$357,500,000 shall be derived from amounts appropriated for fiscal years before fiscal year 1983.

(B) \$24,000,000 shall be derived from amounts appropriated for fiscal year 1983.

(C) \$56,100,000 shall be derived from amounts appropriated for fiscal year 1984.

(j) There are hereby authorized to be transferred to amounts appropriated for procurement for the Navy for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) \$109,000,000 for aircraft procurement, to be derived from amounts appropriated for fiscal year 1985 for aircraft procurement for the Navy remaining available for obligation;

(2) \$15,000,000 for procurement of weapons, to be derived from amounts appropriated for fiscal year 1985 for procurement of weapons for the Navy remaining available for obligation;

(3) \$422,000,000 for shipbuilding and conversion for the Navy, of which \$129,000,000 is to be derived from amounts appropriated for fiscal year 1983 for shipbuilding and conversion for the Navy remaining available for obligation, \$100,000,000 to be derived from amounts appropriated for fiscal year 1984 for shipbuilding and conversion for the Navy remaining available for obligation, and \$193,000,000 to be derived from amounts appropriated for fiscal year 1985 for shipbuilding and conversion for the Navy remaining available for obligation;

(4) \$221,000,000 for other procurement for the Navy, of which \$70,000,000 is to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Navy remaining available for obligation, and \$151,000,000 to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Navy remaining available for obligation; and

(5) \$28,000,000 for procurement for the Marine Corps to be derived from amounts appropriated for fiscal year 1985 for pro-

curement for the Marine Corps remaining available for obligation.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

Sec. 103. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, \$24,265,100,000.

For missiles, \$9,274,900,000.

For other procurement, \$8,706,400,000.

(b) There are hereby authorized to be transferred to amounts appropriated for procurement for the Air Force for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) \$406,000,000 for aircraft procurement for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for aircraft procurement for the Air Force remaining available for obligation;

(2) \$35,000,000 for missile procurement for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for missile procurement for the Air Force remaining available for obligation; and

(3) \$282,000,000 for other procurement for the Air Force, of which \$86,000,000 is to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Air Force remaining available for obligation, and \$196,000,000 to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Air Force remaining available for obligation.

AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE COMPONENTS

Sec. 104. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces as follows:

For the Army National Guard, \$100,000,000.

For the Air National Guard, \$192,000,000.

For the Naval Reserve, \$20,000,000.

For the Marine Corps Reserve, \$20,000,000.

(b) The authorizations of appropriations contained in subsection (a) are in addition to any other amounts authorized to be appropriated by this or any other Act.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

Sec. 105. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for the Defense Agencies in the amount of \$1,318,100,000.

(b) There are hereby authorized to be transferred to amounts appropriated for procurement for the Defense Agencies appropriations in subsection (a), to the extent provided in appropriation Acts, the sum of \$36,000,000 for procurement for the Defense Agencies, of which \$15,000,000 is to be derived from amounts appropriated for fiscal year 1984 for procurement for the Defense Agencies remaining available for obligation, and \$21,000,000 to be derived from amounts appropriated for fiscal year 1985 for procurement for the Defense Agencies remaining available for obligation.

EXTENSION OF AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

Sec. 106. Effective October 1, 1985, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100) is amended by striking out "fiscal year 1985" each place it appears and inserting in lieu thereof "fiscal year 1986".

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7525

LIMITATIONS ON MX MISSILE PROCUREMENT
AND DEPLOYMENT

SEC. 107. (a) It is the sense of the Congress that—

- (1) not more than 50 MX missiles should be deployed in existing Minuteman silos;
- (2) after procurement of 50 missiles for deployment, further procurement of MX missiles should be limited only to those necessary for the MX missile reliability testing program and as spares within the logistics system supporting the deployed MX missile force, unless a different basing mode is proposed by the President and agreed to by the Congress; and

(3) in fiscal year 1987, depending upon the most efficient production rate, from 12 to 21 MX missiles should be procured; but as provided in paragraph (2), these missiles should be limited only to spare and test missiles unless a different basing mode is proposed by the President and agreed to by the Congress.

(b) Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization of funds in this or any prior Act may be used—

- (1) to deploy more than 50 MX missiles in existing Minuteman silos;
- (2) to modify, or prepare for modification, more than 50 existing Minuteman silos for the deployment of MX missiles;
- (3) to acquire basing sets for more than 50 MX deployed missiles; or
- (4) to procure long-lead items for the deployment of more than 50 MX missiles.

(c) Not more than 12 MX missiles shall be procured with funds appropriated pursuant to an authorization of funds in this Act.

(d) All MX missiles acquired by funds appropriated pursuant to an authorization of funds in this division may only be used in accordance with the terms set forth in this section.

TITLE II—RESEARCH, DEVELOPMENT,
TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces for research, development, test, and evaluation, in amounts as follows:

For the Army, \$4,782,775,000.

For the Navy (including the Marine Corps), \$10,468,556,000.

For the Air Force, \$14,294,734,000.

For the Defense Agencies, \$6,126,266,000, of which \$93,500,000 is authorized for the activities of the Director of Defense Test and Evaluation.

(b) Of the amount authorized in subsection (a) for the Navy, \$5,900,000 is available only for the Navy Oceanography program.

(c) Of the amount authorized in subsection (a) for the Army, \$52,000,000 is available only for the Software Initiatives (STARS) program.

(d) Of the amount authorized in subsection (a) for the Air Force—

(1) \$193,776,000 shall be available only for the Very High Speed Integrated Circuit program; and

(2) \$11,742,000 shall be available only for the Software Engineering Institute.

(e) Of the amount authorized in subsection (a) for the Defense Agencies, \$142,000,000 shall be available only for the Strategic Computing Initiative

(f) There are hereby authorized to be transferred to amounts appropriated for research, development, test, and evaluation for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) \$89,000,000 for the Army, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and

evaluation for the Army remaining available for obligation;

(2) \$183,000,000 for the Navy, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Navy remaining available for obligation;

(3) \$256,000,000 for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Air Force remaining available for obligation; and

(4) \$151,000,000 for the Defense Agencies, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Defense Agencies remaining available for obligation.

LIMITATIONS ON FUNDS FOR THE DEFENSE
AGENCIES

SEC. 202. Of the amount authorized in section 201 for the Defense Agencies—

(1) not less than \$9,000,000 of the total amount authorized for the Strategic Defense Initiative program is available only for the hardened ballistic missile materials program, managed by the Army Materials and Mechanics Research Center (AMMRC), to continue research on thermal protection materials, stiffened structural materials, and optic sensor materials, and not less than \$12,500,000 of the total amount authorized for such program is available only for the medical application of free-electron lasers and associated material and physical sciences research; and

(2) not less than \$1,000,000 of the total amount authorized for University Research is available only for computer and related research at Syracuse University, Syracuse, New York.

PROCEDURES REQUIRED PRIOR TO DECISIONS ON
FULL-SCALE DEVELOPMENT AND BASING SITE
SELECTION FOR SMALL INTERCONTINENTAL
BALLISTIC MISSILES

SEC. 203. (a) Before any decision may be made by the President or the Secretary of Defense with regard to the full-scale development of a small intercontinental ballistic missile or the selection of basing areas for the deployment of such missile, the Secretary of the Air Force shall prepare and submit to the appropriate committees of the Congress a legislative environmental impact statement with respect to the full-scale development and selection of areas for the basing of such missile. In making any such decision, the President and the Secretary of Defense shall take into consideration the findings and conclusions contained in any such report.

(b) The legislative environmental impact statement required by subsection (a) shall be prepared in accordance with the requirements applicable to such statements prepared under section 1506.8 of title 40 of the Code of Federal Regulations (as in effect on May 16, 1985).

(c) A legislative environmental impact statement prepared and submitted to the appropriate committees pursuant to subsection (a) shall be deemed to have met all the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to all aspects of the full-scale development of a small intercontinental ballistic missile and the selection of basing areas for the deployment of such missile.

(d) Preparation of a legislative environmental impact statement pursuant to subsection (a) shall not relieve the Secretary of Defense from any obligation for the subsequent preparation of administrative environmental impact statements relative to the environmental impact on specifically selected sites within the chosen areas for the deployment and peacetime operation of small intercontinental ballistic missiles.

IMPROVED COOPERATION IN RESEARCH, DEVELOPMENT,
AND PRODUCTION OF MILITARY EQUIP-
MENT AMONG NATO NATIONS

SEC. 204. (a) The Congress hereby finds—

(1) that for more than a decade the member nations of the North Atlantic Treaty Organization (NATO) have provided in the aggregate significantly larger resources for defense purposes than have the member nations of the Warsaw Treaty Organization;

(2) that, despite this fact, the Warsaw Treaty Organization member nations have produced and deployed many more major combat items such as tanks, armored personnel carriers, artillery pieces and rocket launchers, armed helicopters, and tactical combat aircraft than have the member nations of NATO; and

(3) that a major reason for this discouraging performance by NATO is inadequate cooperation among NATO nations in research, development, and production of military end-items of equipment and munitions.

(b) The Congress, therefore, urges and requests the President, the Secretary of Defense, and the United States Representative to the North Atlantic Treaty Organization to pursue diligently opportunities for member nations of NATO to cooperate in research and development on defense equipment and munitions and in the production of defense equipment, including coproduction of conventional defense equipment by the United States and other member nations of NATO and production by United States contractors of conventional defense equipment designed and developed by other member nations of NATO.

(c)(1) of the funds appropriated pursuant to the authorization in section 201(a) for research, development, test, and evaluation, the sum of \$200,000,000 shall be available, in equal amounts, to the Army, Navy, Air Force, and Defense Agencies only for NATO cooperative research and development projects as provided in this section.

As used in this section, the term "cooperative research and development project" means a project involving joint participation by the United States and one or more other member nations of NATO under a memorandum of understanding or other formal agreement to carry out a joint research and development program on conventional defense equipment and munitions, or to modify existing military equipment to meet United States military requirements.

(d) A memorandum of understanding or other formal agreement to conduct a cooperative research and development project may not be entered into unless the Secretary of Defense determines that the proposed project enhances the ongoing multinational effort to improve NATO's conventional defense capabilities through the application of emerging technology. The Secretary of Defense may not delegate the authority to make such determination except to the Deputy Secretary of Defense or the Director of Defense Research and Engineering.

(e) In order to assure substantial participation on the part of other member nations of NATO in approved cooperative research and development projects, funds made available under subsection (c) for such projects may not be used to procure equipment or services from any foreign government, foreign research organization, or any other foreign entity.

(f) The Secretary of Defense shall encourage other member nations of NATO to establish programs similar to the one provided for in this section.

(g)(1) In order to ensure that opportunities to conduct cooperative research and de-

S 7526

CONGRESSIONAL RECORD — SENATE

June 5, 1985

velopment projects are considered during the early decision points in the Department of Defense's formal development review process in connection with any planned project of the Department of Defense, the Director of Defense Research and Engineering shall prepare a formal arms cooperation opportunities document for review by the Defense Systems Acquisition Review Council at its formal meetings. The Director shall also prepare an arms cooperation opportunities document for reviews of new projects for which a Justification of Major Systems New Start document is prepared.

(2) The formal arms cooperation opportunities document referred to in paragraph (1) shall include the following:

(A) statement indicating whether or not a project similar to the one under consideration by the Department of Defense is in development or production by one or more of the other NATO member nations.

(B) If a project similar to the one under consideration by the Department of Defense is in development by one or more other member nations of NATO, an assessment by the Director of Defense Research and Engineering as to whether that project could satisfy, or could be modified in scope so as to satisfy, the military requirements of the United States project under consideration by the Department of Defense.

(C) An assessment of the advantages and disadvantages with regard to program timing, developmental and life cycle costs, technology sharing, and Rationalization, Standardization, and Interoperability (RSI) of seeking to structure a cooperative development program with one or more other NATO member nations.

(D) The recommendation of the Director of Defense Research and Engineering as to whether the Department of Defense should explore the feasibility and desirability of a cooperative development program with one or more other member nations of NATO.

(h)(1) It is the sense of the Congress that the Department of Defense should perform more side-by-side testing of conventional defense equipment manufactured by the United States and other member nations of NATO and that such testing should be conducted at the late stage in the development process when there is usually only a single United States prime contractor.

(2) In addition to any funds appropriated for activities of the Director of Defense Test and Evaluation pursuant to section 201(a), \$50,000,000 shall be available to the Director, from any other funds appropriated pursuant to an authorization in this division, to acquire items of the type specified in paragraph (2) manufactured by other member nations of NATO for side-by-side comparison testing with comparable items of United States manufacture.

(3) Items that may be acquired under paragraph (1) by the Director of Defense Test and Evaluation include, but are not limited to the following:

- (A) Submunitions and dispensers.
- (B) Anti-tank and anti-armor guided missiles.
- (C) Mines, for both land and naval warfare.
- (D) Runway-cratering devices.
- (E) Torpedoes.
- (F) Mortar systems.
- (G) Light armored vehicles and major subsystems thereof.
- (H) Utility vehicles.
- (I) High-velocity anti-tank guns.
- (J) Short-Range Air Defense Systems (SHORADS).
- (K) Mobile air defense systems and components.
- (4) The Director of Defense Test and Evaluation shall notify the Committees on

Armed Services and on Appropriations of the Senate and the House of Representatives of his intent to obligate funds under this subsection not less than 30 days before such funds are obligated.

(5) Not later than February 1, 1985, and annually thereafter, the Director of Defense Test and Evaluation shall provide to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report on the systems, subsystems, and munitions produced by other member nations of NATO that were evaluated during the previous fiscal year by the Director and on the obligation of any funds under this subsection during the preceding fiscal year.

USE OF PRIOR YEAR FUNDS FOR THE SIMPLIFIED MUNITIONS LIFT TRAILER PROGRAM

SEC. 205. Not to exceed \$3,800,000 of any funds appropriated to the Air Force for research, development, test, and evaluation for fiscal year 1985, or any prior fiscal year, and which remain available for obligation shall be available to the Secretary of the Air Force to enter into a contract for the development of the Simplified Munitions Lift Trailer with the winner of the competition, which was mandated by section 112 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2507), to determine the contractor best qualified to carry the Simplified Munitions Lift Trailer program.

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

For the Army, \$19,230,286,000.
 For the Navy, \$24,732,872,000.
 For the Marine Corps, \$1,628,022,000.
 For the Air Force, \$20,100,674,000.
 For the Defense Agencies, \$7,503,264,000.
 For the Army Reserve, \$769,300,000.
 For the Naval Reserve, \$903,790,000.
 For the Marine Corps Reserve, \$56,870,000.
 For the Air Force Reserve, \$890,844,000.
 For the Army National Guard, \$1,591,620,000.
 For the Air National Guard, \$1,806,162,000.
 For the National Board for the Promotion of Rifle Practice, \$920,000.
 For Defense Claims, \$143,300,000.
 For the Court of Military Appeals, \$3,200,000.

(b) Funds are hereby authorized to be transferred, to the extent provided in appropriation Acts, from the Foreign Currency Fluctuations, Defense fund to the operation and maintenance accounts of the military departments in amounts as follows:

For the Army, \$156,000,000.
 For the Navy, \$156,000,000.
 For the Air Force, \$156,000,000.

GENERAL AUTHORIZATION OF APPROPRIATIONS FOR FUEL COSTS AND INFLATION ADJUSTMENTS

SEC. 302. There are authorized to be appropriated for fiscal year 1986, in addition to the amounts authorized to be appropriated in section 301, such sums as may be necessary—

- (1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in section 301;
- (2) for unbudgeted increases in fuel costs; and

(3) for unbudgeted increases as the result of inflation in the cost of activities authorized by subsection (a).

AUTHORIZATION OF APPROPRIATIONS FOR WORKING-CAPITAL FUNDS

SEC. 303. Funds are hereby authorized to be appropriated for fiscal year 1985 to provide capital for working-capital funds of the Department of Defense in amounts as follows:

For the Army Stock Fund, \$393,000,000.
 For the Navy Stock Fund, \$638,500,000.
 For the Marine Corps Stock Fund, \$37,700,000.
 For the Air Force Stock Fund, \$415,900,000.
 For the Defense Stock Fund, \$174,500,000.

PILOT PROGRAM FOR EXCHANGE OF CERTAIN HIGH RANKING MILITARY AND CIVILIAN PERSONNEL WITH THE SOVIET UNION TO REDUCE NUCLEAR RISKS

SEC. 304. (a) The Secretary of Defense shall submit to the appropriate committees of the Congress not later than December 1, 1985, a plan for the establishment and operation during fiscal year 1986 of a pilot program for the exchange of visits between high ranking officers of the Armed Forces of the United States and high ranking civilian officials of the Department of Defense and corresponding high ranking officials of the Soviet Union.

(b) Such plan shall include—

- (1) specific identification of the United States personnel selected for participation in the program;
- (2) the length of the exchange visits with the Soviet Union;
- (3) the specific goals of each exchange visit;
- (4) the cost of United States participation in each visit;
- (5) any special actions that will be taken to protect classified information of the United States during visits to the United States by personnel of the Soviet Union; and
- (6) such other program details as the Secretary may consider appropriate.

(c) Of the funds appropriated pursuant to section 301(a), the sum of \$100,000 shall be available only for the purpose of travel, subsistence, and other support costs for participation by the United States in the pilot program described in subsection (a).

AUTHORIZATION OF SUPPORT FOR THE TENTH INTERNATIONAL PAN AMERICAN GAMES

SEC. 305. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized—

- (1) to provide logistical support and personnel services to the Tenth International Pan American Games to be held in Indianapolis, Indiana, in August 1987;
- (2) to lend and provide equipment in support of such games; and
- (3) to provide such other services and equipment in support of such games as the Secretary may consider advisable.

(b)(1) Not to exceed \$25,000,000 of the funds appropriated to the Department of Defense pursuant to the authorization of funds contained in this title or title I may be used for the purpose of carrying out subsection (a). Except for funds used for pay and nontravel related allowances for civilian employees of the Department of Defense and for members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the Tenth International Pan American Games), no funds may be obligated for such purpose unless specifically appropriated for such purpose.

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7527

(2) The costs for pay and nontravel related allowances for civilian employees of the Department of Defense and for members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the Tenth International Pan American Games) may not be charged to appropriations made pursuant to the authorization of funds contained in this title or title I.

OPERATION AND MAINTENANCE OF DRUG LAW ENFORCEMENT ASSISTANCE ORGANIZATIONS OF THE DEPARTMENT OF DEFENSE

SEC. 306. (a) There are authorized to be appropriated to the Department of Defense for fiscal year 1985 such sums as may be necessary for the establishment and the operation and maintenance of one or more Reserve Forces Airborne Surveillance and Detection units in the Department.

(b) There are authorized to be appropriated to the Department of Defense for fiscal year 1985 such sums as may be necessary for the operation and maintenance of the Directorate of the Department of Defense Task Force on Drug Law Enforcement.

(c) Not later than September 30, 1985, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report on the manner in which the Department of Defense plans to obligate and expend funds appropriated or expected to be appropriated pursuant to an authorization contained in this section. The report shall include a description of—

(1) actions or proposed actions to establish, operate, and maintain Reserve Forces Airborne Surveillance and Detection units;

(2) actions and proposed actions to utilize appropriate aircraft of the Department of Defense to furnish, commensurate with military readiness, optimal support to civilian law enforcement agencies for the purpose of carrying out drug interdiction missions and for other operational activities of such agencies relating to the enforcement of drug laws; and

(3) actions and proposed actions to promote dual utilization of Department of Defense aircraft and other Department of Defense resources available to civilian law enforcement agencies by providing for the utilization of such aircraft and resources by Reserve Forces Airborne Surveillance and Detection units and by such agencies.

TITLE IV—PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

Sec. 401. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1986, as follows:

- (1) The Army, 780,800.
- (2) The Navy, 581,300.
- (3) The Marine Corps, 198,800.
- (4) The Air Force, 606,470.

EXTENSION OF QUALITY CONTROL ON ENLISTMENTS IN THE ARMY

Sec. 402. Effective on October 1, 1985, section 302(a) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 520 note), is amended by striking out "October 1, 1984" and "September 30, 1985" and inserting in lieu thereof "October 1, 1985" and "September 30, 1986", respectively.

PART B—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

Sec. 411. (a) For fiscal year 1986 the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

- (1) The Army National Guard of the United States, 438,434.

(2) The Army Reserve, 288,830.

(3) The Naval Reserve, 131,270.

(4) The Marine Corps Reserve, 41,760.

(5) The Air National Guard of the United States, 107,950.

(6) The Air Force Reserve, 75,390.

(7) The Coast Guard Reserve, 12,500.

(b) The average strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

Sec. 412. (a) Within the average strengths prescribed in section 411, the reserve components of the Armed Forces are authorized, as of September 30, 1986, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 20,583.

(2) The Army Reserve, 10,700.

(3) The Naval Reserve, 15,210.

(4) The Marine Corps Reserve, 1,129.

(5) The Air National Guard of the United States, 6,469.

(6) The Air Force Reserve, 603.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

PART C—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

Sec. 421. (a) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1986, of 1,065,970.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c)(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the Nation-

al Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid programs and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service on official assignment or tour of duty shall also be counted as prescribed by section 3404 of that title.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

PART D—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

Sec. 431. (a) For fiscal year 1986, the components of the Armed Forces are authorized average military training student loads as follows:

- (1) The Army, 79,686.
- (2) The Navy, 71,018.
- (3) The Marine Corps, 20,766.
- (4) The Air Force, 43,389.

(5) The Army National Guard of the United States, 18,886.

(6) The Army Reserve, 16,985.

(7) The Naval Reserve, 3,355.

(8) The Marine Corps Reserve, 3,790.

(9) The Air National Guard of the United States, 2,751.

(10) The Air Force Reserve, 2,118.

(b) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1986 shall be adjusted consistent with the manpower strengths authorized in parts A and B of this title. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE V—COMPENSATION AND OTHER BENEFITS; EDUCATIONAL ASSISTANCE AND MISCELLANEOUS PERSONNEL MATTERS

PART A—PAY AND ALLOWANCES

MILITARY PAY RAISE FOR 1986

Sec. 501. (a) Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of

the uniformed services to become effective during fiscal year 1986 shall not be made.

(b) The rates of basic pay, basic allowance for quarters, and basic allowance for subsistence for members of the uniformed services are increased by 3 percent effective October 1, 1985.

VARIABLE HOUSING ALLOWANCES IN ALASKA AND HAWAII

SEC. 502. (a) Notwithstanding section 8108 of the Department of Defense Appropriations Act, 1985, as contained in section 101(h) of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes" (Public Law 98-473; 98 Stat. 1943), and except as provided in subsection (b), effective on the date of enactment of this Act, a member of the uniformed services who is on duty in Alaska or Hawaii may not be paid a station housing allowance under section 405 of title 37, United States Code, or any other provision of law.

(b) A member who is assigned to a permanent duty station in Alaska or Hawaii on the day before the date of the enactment of this Act and who is being paid a station housing allowance under section 405 of title 37, United States Code, pursuant to such section 8108 shall, until his permanent duty assignment in Alaska or Hawaii is terminated as a result of a change of permanent station, be entitled to receive that allowance as if subsection (a) had not been enacted. Such member may not be paid a variable housing allowance under section 403a of title 37, United States Code, for any period such member is paid a station housing allowance.

ELIMINATION OF EXCESS HOUSING COST PAYMENTS

SEC. 503. (a) Section 403a(c) of title 37, United States Code, as amended by section 504 of this title, is amended—

(1) in paragraph (2), by inserting "paragraph (6) of this subsection and" after "necessary to comply with"; and

(2) by adding at the end thereof the following new paragraph:

"(6) A member is not entitled to a variable housing allowance in an amount which, when added to the basic allowance for quarters to which such member is entitled, exceeds the actual housing costs of the member. Any adjustments in the rates of the variable housing allowance payable to a member that are required under the preceding sentence shall be made in such manner and at such times as provided in regulations prescribed pursuant to subsection (f) of this section."

(b) The amendments made by subsection (a) shall take effect on October 1, 1985, and shall apply with respect to the payment of variable housing allowances payable for pay periods beginning on or after that date.

ADVANCE PAYMENT OF BASIC ALLOWANCE FOR QUARTERS AND VARIABLE HOUSING ALLOWANCE

SEC. 504. (a) Section 403 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(1) The basic allowance for quarters prescribed under this section may be paid in advance."

(b) Section 403a of title 37, United States Code, is amended—

(1) by striking out "subsection (e)" in subsections (a)(2), (b)(1), (c)(5), (d)(2), and (d)(3) and inserting in lieu thereof "subsection (f)";

(2) by redesignating subsection (e) as subsection (f);

(3) by inserting after subsection (d) the following new subsection (e):

"(e) The variable housing allowance prescribed under this section may be paid in advance.";

(4) by striking out the period at the end of redesignated subsection (f) and inserting in lieu thereof "except that nothing in these regulations shall allow use of administrative techniques which: (a) cause variable housing allowance rates of military members to increase to prevent pay inversion, and (b) fall to lower variable housing allowance rates accordingly when decreasing costs are reported on the variable housing allowance survey."

INCREASE OF FAMILY SEPARATION ALLOWANCE

SEC. 505. (a) Section 427(b) of title 37, United States Code, is amended by striking out "\$30" and inserting in lieu thereof "\$60".

(b) The amendment made by subsection (a) shall take effect on October 1, 1985, and shall apply only to family separation allowances payable for months beginning on or after that date.

TEMPORARY LODGING EXPENSES

SEC. 506. Section 404a(a) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out "may" and inserting in lieu thereof "shall";

(2) in the second sentence, by striking out "may" the first time it appears and inserting in lieu thereof "are to"; and

(3) in the third sentence, by striking out "may" the first time it appears and inserting in lieu thereof "are to".

REVISION OF TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 507. (a) Subsection (d) of section 404 of title 37, United States Code, is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "(1) The travel and transportation allowances authorized for each kind of travel may not be more than one of the following:

"(A) Transportation in kind, reimbursement therefor, or, under regulations prescribed by the Secretaries concerned, when travel by privately-owned conveyance is authorized or approved as more advantageous to the Government, a monetary allowance in place of the cost of transportation, at the rates provided in section 5704 of title 5, based on distances established over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of the Army.

"(B) Transportation in kind, reimbursement therefor, or a monetary allowance as provided in subparagraph (A) of this paragraph, plus a per diem in place of subsistence in an amount not more than \$50 determined by the Secretaries concerned to be sufficient to meet normal and necessary expenses in the area to which travel is to be performed.

"(C) A mileage allowance at a rate per mile prescribed by the Secretaries concerned and based on distances established under clause (1) of this subsection.";

(2) by designating the second sentence as paragraph (2) and by striking out "clause (2)" in such sentence and inserting in lieu thereof "paragraph (1)(B)";

(b) Section 406(a)(1) of such title is amended by striking out "for his dependents" and all that follows through "to be prescribed" and inserting in lieu thereof "reimbursement therefor, or a monetary allowance in place of the cost of transportation, plus a per diem, for the member's dependents at rates prescribed by the Secretaries concerned".

(c) The amendments made by this section shall apply to travel performed after September 30, 1985.

INCREASE IN WEIGHT ALLOWANCES FOR TRANSPORTATION OF HOUSEHOLD GOODS

SEC. 508. (a) Section 406(b) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by adding at the end thereof the following new paragraph:

"(3) Unless the Secretary concerned determines that military exigencies require that lesser weight allowances should apply with respect to a change of permanent station by a member or class of members, the weight allowances for baggage and household effects shall not, in the case of a member making a change of permanent station, be less than the minimum weight allowance specified opposite the pay grade of that member in the following table:

Pay Grade	Weight (in pounds)
O-10	18,000
O-9	18,000
O-8	16,000
O-7	15,000
O-6	14,500
O-5	14,000
O-4	13,000
O-3	12,000
O-2	11,000
O-1	10,000
W-4	13,000
W-3	12,000
W-2	11,000
W-1	10,000
E-9	13,000
E-8	12,000
E-7	11,000
E-6	9,000
E-5	8,000
E-4 with over 2 years of service	7,000
E-4 with 2 years of service or less	5,000
E-3	5,000
E-2	5,000
E-1	5,000
Academy cadets and midshipmen	1,500
Aviation cadets	1,500"

The President may suspend the provisions of this paragraph during time of war."

(b) The amendments made by subsection (a) shall become effective on October 1, 1985, and shall apply only with respect to the transportation of baggage and household effects which commences on or after that date.

DENTAL CONTINUATION PAY

SEC. 509. Section 8091 of the Department of Defense Appropriation Act, 1985, as contained in section 101(h) of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes" (Public Law 98-473; 98 Stat. 1940), is amended by striking out "June 30, 1985" and inserting in lieu thereof "September 30, 1985".

ELIGIBILITY FOR BASIC ALLOWANCE FOR QUARTERS

SEC. 510. (a) Section 403(c) of title 37, United States Code, is amended—

(1) by striking out "is not entitled to a basic allowance for quarters while he is on field duty" in paragraph (1) and inserting in lieu thereof "who makes a permanent change of station for assignment to a unit conducting field operations is not entitled to a basic allowance for quarters while on that initial field duty";

(2) by striking out "and who is on sea duty" in the second sentence of paragraph (2) and all that follows and inserting in lieu thereof "who is assigned to sea duty under a permanent change of station is not entitled to a basic allowance for quarters if the unit to which the member is ordered is deployed and the permanent station of the unit is different than the permanent station from which the member is reporting.";

(3) by striking out paragraph (3).

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7529

(b) The amendments made by this section shall take effect on October 1, 1985.

TRAVEL DURING SHIP OVERHAUL

Sec. 510a. (a) Section 406b of title 37, United States Code, is amended—

(1) by striking out "Under" and inserting in lieu thereof "(a) Under";

(2) by inserting "(including the member's spouse)" after "dependents" in the first sentence;

(3) by striking out ", ninety-first, and one hundred and fifty-first calendar day" and inserting in lieu thereof "calendar day, and every sixtieth calendar day after the thirty-first calendar day"; and

(4) by adding at the end thereof the following new subsections:

"(b) Transportation in kind, reimbursement for personally procured transportation, or a monetary allowance in place of the cost of transportation as provided in section 404(d)(1) of this title may be provided, in lieu of the member's entitlement to transportation, for the member's dependents (including the member's spouse) from the location that was the home port of the ship before commencement of overhaul or inactivation to the port of overhaul or inactivation. The total reimbursement for transportation for the member's dependents may not exceed the cost of Government-procured commercial round-trip travel.

"(c) A member of the uniformed services on permanent duty aboard a ship which undergoes a change of home port to the overhaul or inactivation port and the member's dependents may be provided the transportation allowances prescribed in subsections (a) and (b) of this section in lieu of the transportation entitlements of section 406 of this title and section 2634 of title 10."

(b) The travel allowances authorized by the amendments made by this section are payable only for travel that commences after September 30, 1985, but may be paid for members assigned to ships being overhauled or inactivated away from home port on the date of enactment of this Act.

(c)(1) The section heading for such section is amended by striking out the last four words.

(2) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended by striking out the last four words.

INCREASE IN DISLOCATION ALLOWANCE

Sec. 510b. (a) Section 407 of title 37, United States Code, is amended by striking out "one month" and inserting in lieu thereof "two months".

(b) The amendment made by this section shall apply to moves begun after September 30, 1985.

TRAVEL ALLOWANCE FOR TRAVEL PERFORMED IN CONNECTION WITH CERTAIN LEAVE

Sec. 510c. (a) Section 411b(a)(1) of title 37, United States Code, is amended—

(1) by striking out "if he is a member without dependents";

(2) by striking out "if either" and all that follows and inserting in lieu thereof a period; and

(3) by adding at the end thereof the following new sentence: "Such allowances may be paid for the member and for the dependents of the member who are authorized to, and do, accompany him at his duty stations."

(b) The amendments made by subsection (a) shall apply with respect to orders to change a permanent station that are effective after September 30, 1985.

TRANSPORTATION ALLOWANCES FOR SURVIVORS OF DECEASED MEMBER TO ATTEND BURIAL CEREMONIES OF DECEASED MEMBER

Sec. 510d. (a)(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411e the following new section:

"§ 411f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies

"(a) Under uniform regulations prescribed by the Secretaries concerned, round trip travel and transportation allowances may be provided the dependents of a member who dies while on active duty for a period of 30 days or more in order to attend the burial ceremonies of the deceased member.

"(b)(1) Except as provided in paragraph (2), allowances under this section are limited to travel and transportation in the United States, Puerto Rico, and the possessions of the United States and may not exceed the rates for 2 days.

"(2) If a deceased member was ordered or called to active duty from a place outside the United States, Puerto Rico, or the possessions of the United States, the authorized allowances under this section may be provided to and from such place and may be extended to accommodate the time necessary for such travel.

"(c) For purposes of this section 'dependents' include the dependents specified in paragraphs (1) and (2) of section 401 of this title. However, if no person qualifies under such paragraphs, the parents of a member (including stepparent or parent by adoption, or any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least 5 years before the member became 21 years of age) may be paid the travel and transportation allowances authorized under this section."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411e the following new item:

"411f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies."

(b) The travel and transportation allowance authorized by the amendments made by this section is payable only for travel that commences after September 30, 1985.

INCREASE IN DEATH GRATUITY

Sec. 510e. (a) The first sentence of section 1478 of title 10, United States Code, is amended to read as follows: "The death gratuity payable under sections 1475, 1476, and 1477 of this title shall be equal to the total of three months' basic pay, three months' basic allowance for quarters at the with dependents rate, and three months' basic allowance for subsistence at the officer rate or the enlisted rate when ratons in kind are not available, whichever is applicable, except that the total gratuity shall not be less than \$3,000 or more than \$9,000."

(b) The amendment made by subsection (a) shall be effective with respect to the payment of death gratuities to the survivors of members of the Armed Forces who die after September 30, 1985.

SPECIAL AND INCENTIVE PAYS

Sec. 510f. (a)(1) Subsection (a) of section 301 of title 37, United States Code, is amended—

(A) in clause (1), by inserting "officer or" before "enlisted"; and

(B) by striking out clause (10) and inserting in lieu thereof the following:

"(10) involving (A) the servicing of aircraft or missiles with highly toxic fuels or

propellants, (B) the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used, or (C) the handling of chemical munitions (or components of such munitions); or".

(2) Subsection (b) of such section is amended to read as follows:

"(b) For the performance of the hazardous duty described in clause (1) of subsection (a) of this section, a member is entitled to monthly incentive pay as follows:

"Pay Grade	Monthly Rate
O-10.....	\$110
O-9.....	110
O-8.....	110
O-7.....	110
O-6.....	250
O-5.....	250
O-4.....	225
O-3.....	175
O-2.....	150
O-1.....	125
W-4.....	250
W-3.....	175
W-2.....	150
W-1.....	125
E-9.....	200
E-8.....	200
E-7.....	200
E-6.....	175
E-5.....	150
E-4.....	125
E-3.....	110
E-2.....	110
E-1.....	110".

(3) Paragraph (1) of subsection (c) of such section is amended to read as follows:

"(1) For the performance of the hazardous duty described in clause (2), (3), (4), (5), (6), (7), (8), (9), or (10) of subsection (a) of this section, a member is entitled to \$110 a month, except that a member performing the hazardous duty described in clause (3) of subsection (a) of this section who also performs as an essential part of such duty parachute jumping at a high altitude with a low opening is entitled to \$165 a month."

(b)(1) The table pertaining to commissioned officers in section 301c(b) of such title is amended to appear as follows:

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
O-10.....	\$265	\$265	\$265	\$265	\$265	\$265	\$265
O-9.....	265	265	265	265	265	265	265
O-8.....	265	265	265	265	265	265	265
O-7.....	265	265	265	265	265	265	265
O-6.....	440	440	440	440	440	440	440
O-5.....	440	440	440	440	440	440	440
O-4.....	270	270	270	300	440	440	440
O-3.....	265	265	265	290	440	440	440
O-2.....	175	175	175	175	175	175	265
O-1.....	130	130	130	130	130	130	265

"Pay grade	Years of service computed under section 205						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-10.....	\$265	\$265	\$265	\$265	\$265	\$265	\$265
O-9.....	265	265	265	265	265	265	265
O-8.....	265	265	265	265	265	265	265
O-7.....	265	265	400	395	395	305	265
O-6.....	440	440	440	440	440	440	440
O-5.....	440	440	440	440	440	440	440
O-4.....	440	440	440	440	440	440	440
O-3.....	440	440	440	440	440	440	440
O-2.....	265	265	265	265	265	265	265
O-1.....	265	265	265	265	265	265	265

(2) The amendment made by paragraph (1) shall take effect on October 1, 1985.

S 7530

CONGRESSIONAL RECORD — SENATE

June 5, 1985

(c) The second sentence of section 304(c) of such title is amended by striking out "one payment" and inserting in lieu thereof "two payments".

(d)(1) Subsection (a) of section 305 of such title is amended—

(A) by striking out "an enlisted" and inserting in lieu thereof "a";

(B) by striking out "outside the 48 contiguous States and the District of Columbia"; and

(C) by striking out the table and inserting in lieu thereof the following new table:

"Pay Grade	Monthly Rate
O-6	\$180
O-5	180
O-4	165
O-3	150
O-2	100
O-2E ¹	150
O-1	100
O-1E ¹	150
W-4	150
W-3	150
W-2	150
W-1	150
E-9	150
E-8	150
E-7	135
E-6	125
E-5	60
E-4	50
E-3	25
E-2	25
E-1	25

¹Commissioned officers with over four years of active service as enlisted members or as noncommissioned warrant officers."

(2) Subsection (b) of such section is repealed and subsection (c) of such section is redesignated as subsection (b).

(3) Any enlisted member of a uniformed service who, on the day before the enactment of this Act, (A) was performing duty which entitled him to special pay under section 305(a) of title 37, United States Code, relating to duty at certain places, and (B) would lose his entitlement to such special pay by virtue of paragraph (1), shall continue to receive such special pay at the rate in effect on the day before the date of the enactment of this Act, notwithstanding the amendments made by paragraph (1), for such time as he continues to perform that duty.

(e) The table contained in section 305a of such title is amended to appear as follows:

"WARRANT OFFICERS

"Pay grade	Years of sea duty							
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7
W-1	\$130	\$135	\$140	\$150	\$170	\$175	\$200	\$250
W-2	150	150	150	150	170	260	265	270
W-3	150	150	150	150	170	270	280	290
W-4	150	150	150	150	170	290	310	310

"Pay grade	Years of sea duty							
	Over 9	Over 10	Over 11	Over 12	Over 14	Over 16	Over 18	Over 20
W-1	\$275	\$280	\$290	\$300	\$300	\$300	\$300	\$300
W-2	275	280	290	310	330	350	370	390
W-3	300	310	310	330	350	370	390	410
W-4	310	320	330	350	370	390	410	410

"COMMISSIONED OFFICERS

"Pay grade	Years of sea duty						
	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9
O-1	\$150	\$160	\$185	\$190	\$195	\$205	\$215
O-2	150	160	185	190	195	205	215
O-3	150	160	185	190	195	205	215
O-4	185	190	200	205	215	215	220
O-5	225	225	225	225	230	245	250
O-6	225	230	230	240	255	265	280

"Pay grade	Years of sea duty						
	Over 10	Over 11	Over 12	Over 14	Over 15	Over 18	Over 20
O-1	\$225	\$225	\$240	\$250	\$260	\$270	\$280
O-2	225	225	240	250	260	270	280
O-3	225	225	240	260	270	280	290
O-4	225	225	240	270	280	290	300
O-5	260	265	265	285	300	315	340
O-6	290	300	310	325	340	355	380

(f)(1) Subsection (a) of section 306 of such title is amended to read as follows:

"(a) The Secretary concerned may designate positions of unusual responsibility which are of a critical nature to an armed force under his jurisdiction and may pay special pay, in addition to other pay prescribed by law, to an officer of an armed force who is entitled to the basic pay of pay grade W-1, W-2, W-3, W-4, O-1, O-2, O-3, O-4, O-5, or O-6 and who is performing the duties of such a position, at the following monthly rates:

"Pay Grade	Monthly Rate
O-6	\$200
O-5	150
O-4	75
O-3	75
O-2	50
O-1	50
W-4	50
W-3	50
W-2	50
W-1	50

(2) Subsection (c) of such section is amended by striking out "pay grade O-3" and inserting in lieu thereof "pay grade W-1, W-2, W-3, W-4, O-1, O-2, or O-3".

(g)(1) Subsection (a) of section 310 of such title is amended to read as follows:

"(a) Except in time of war declared by Congress, and under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of the lowest hazardous duty incentive pay specified in section 301(c)(1) of this title for any month in which the member—

"(1) was entitled to basic pay; and
 "(2)(A) was assigned to and present within a danger area (designated as a danger area by the Secretary of Defense) for a period of not less than six days, or (B) was exposed, or was a member of a group, unit, ship, or aircraft which was exposed, to hostile fire, explosion of hostile mines, or hostile, insurrectionary, or terrorist action."

(2)(A) The heading of section 310 of such title is amended to read as follows:

"§ 310. Special pay: duty subject to danger."

(B) The table of sections at the beginning of chapter 5 of such title is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

"§ 310. Special pay: duty subject to danger."

(h)(1)(A) Subsection (a) of section 312 of such title is amended—

(i) by inserting "and" at the end of clause (2);

(ii) by striking out clause (3);

(iii) by redesignating clause (4) as clause (3) and striking out "for one period of four years" in such clause and inserting in lieu thereof "for a period of three, four, or five years, so long as the new period of obligated active service does not extend beyond the end of 26 years of commissioned service,"; and

(iv) in the matter following such clause—
 (I) by striking out "\$7,000" and inserting in lieu thereof "\$12,000";

(II) by striking out "semiannually" and "six-month period" in the second sentence and inserting in lieu thereof "annually" and "12-month period", respectively; and

(III) by striking out "shall become fixed" and all that follows through the end of subsection (a) and inserting in lieu thereof "shall be paid in equal annual installments over the length of the contract, commencing at the expiration of any existing period of obligated active service. The Secretary (or his designee) may accept an active service agreement under this section not more than one year in advance of the end of an officer's existing period of obligated active service under such an agreement. In such a case, the amount of the special pay may be paid commencing with the date of acceptance of the agreement, with the number of installments being equal to the number of years covered by the contract plus one."

(B) Subsection (b) of such section is repealed.

(C) Subsection (c) of such section is redesignated as subsection (b) and is amended by striking out "of four years".

(D) Subsection (d) of such section is redesignated as subsection (c) and is amended—

(i) by striking out "four years" in the second sentence; and

(ii) by striking out "at the end of the four year period" in that sentence.

(E) Such section is further amended by inserting after subsection (c) (as so redesignated) the following new subsection (d):

"(d)(1) An officer who is performing obligated service under an agreement under subsection (a) of this section may, if the amount that may be paid under such subsection is higher than at the time the officer executed such agreement, execute a new agreement under that subsection. The period of such an agreement shall be a period equal to or exceeding the original period of the officer's existing agreement, so long as the period of obligated active service under the new agreement does not extend beyond the end of 26 years of commissioned service. If a new agreement is executed under this subsection, the existing active-service agreement shall be cancelled, effective on the day before an anniversary date of that agreement after the date on which the amount that may be paid under this section is increased.
 "(2) This subsection shall be carried out under regulations prescribed by the Secretary of the Navy."

(F) Subsection (e) of such section is amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1990".

(2)(A) Subsection (a)(1) of section 312b of such title is amended—

(i) by striking out "of \$3,000" and inserting in lieu thereof "not to exceed \$8,000"; and

(ii) by adding at the end thereof the following new sentence: "Upon acceptance of the agreement by the Secretary, the amounts payable upon selection for training and upon completion of training, respectively, as determined under subsection (b) of this section, shall become fixed."

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7531

(B) Subsection (b) of such section is amended to read as follows:

"(b) The Secretary of the Navy shall determine annually the total amount of the bonus to be paid under this section and of that amount the portions that are to be paid—

"(1) upon selection for officer naval nuclear power training; and

"(2) upon successful completion, as a commissioned officer, of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants."

(C) Subsection (d) of such section is amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1990".

(3)(A) Subsection (a) of section 312c of such title is amended as follows:

(i) The first sentence is designated as paragraph (1) and amended—

(I) by redesignating clauses (1) through (5) as clauses (A) through (E), respectively;

(II) by striking out "but has completed less than twenty-six years of commissioned service" in clause (C) (as so designated); and

(III) by striking out "\$6,000" and "October 1, 1987" and inserting in lieu thereof "\$10,000" and "October 1, 1990", respectively.

(ii) The second sentence is designated as paragraph (2) and is amended by inserting "technically" before "qualified".

(iii) The third sentence is designated as paragraph (3) and is amended by striking out "nuclear service year" the second place it appears and all that follows in that sentence and inserting in lieu thereof "nuclear service year on which he—

"(A) was not on active duty;

"(B) was not technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

"(C) was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or

"(D) was entitled to receive aviation career incentive pay in accordance with section 301a while serving in a billet other than a billet that required the officer—

"(i) be technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

"(ii) be qualified for the performance of operational flying duties."

(iv) The fourth sentence is repealed.

(B) Subsection (b) of such section is amended as follows:

(i) The first sentence is designated as paragraph (1) and amended—

(I) by redesignating clauses (1) through (4) as clauses (A) through (D), respectively; and

(II) by striking out "\$3,500" and "October 1, 1987" and inserting in lieu thereof "\$4,500" and "October 1, 1990", respectively.

(ii) The second sentence is designated as paragraph (2) and is amended by inserting "technically" before "qualified".

(iii) The third sentence is designated as paragraph (3) and is amended by striking out "nuclear service year" and all that follows in that sentence and inserting in lieu thereof "nuclear service year on which he—

"(A) was not in an assignment involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants;

"(B) was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or

"(C) was entitled to receive aviation career incentive pay in accordance with section 301a while serving in a billet other than a billet—

"(i) involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants; and

"(ii) that required the officer be qualified for the performance of operational flying duties."

(C) Subsection (e) of such section is amended by striking out "October 1, 1987" and inserting in lieu thereof "October 1, 1990".

(4) The amendments made by this subsection shall take effect on October 1, 1985.

(i)(1) Section 314(a) of such title is amended by striking out "\$50" and inserting in lieu thereof "\$80".

(2) The amendment made by paragraph (1) shall take effect on October 1, 1985.

(j)(1) Subsection (a) of section 315 of such title is amended to read as follows:

"(a) In this section, the term 'engineering or scientific duty' means service performed by an officer that requires an engineering or science degree and that requires a skill designated under regulations prescribed by the Secretary of Defense for the armed forces, by the Secretary of Commerce for the National Oceanic and Atmospheric Administration, or by the Secretary of Health and Human Services for the Public Health Service as critical and as a skill in which there is a critical shortage of officers in the uniformed service concerned."

(2) The matter preceding clause (1) of section 315(b) of such title is amended to read as follows:

"(b) Under regulations prescribed by the Secretary concerned, an officer of a uniformed service who—

ALLOWANCES FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS

Sec. 510g. (a) Section 406(k) of title 37, United States Code, is amended—

(1) by inserting "(l)" after "(k)";

(2) in the first sentence, by inserting "or in which a member provides all or a part of the labor in connection with the transportation of the baggage and household effects of the member (including packing, crating, and loading)" after "rental vehicle"; and

(3) by adding at the end thereof a new paragraph as follows:

"(2) The Secretary concerned may prescribe in any regulations authorizing the payment of a monetary allowance to a member who participates in a program in which the member provides all or a part of the labor in connection with the transportation of the baggage and household effects of the member—

"(A) the extent to which payment to the member will be made for such labor, and

"(B) the manner in which liability will be allocated among the member, the United States, and the common carriers involved in the event of loss of or damage to any baggage or household effects packed, crated, or loaded by the member."

(b) No allowance may be paid to any member of a uniformed service by virtue of the amendment made by subsection (a) in connection with the transportation of the baggage and household effects provided the member before the date of the enactment of this Act.

(c) The Secretary of Defense shall submit a report to the Congress not later than three years after the date of the enactment of this Act regarding the operation of any program carried out by the military departments under which payment of a monetary allowance is made to a member who provides all or a part of the labor in connection with the transportation of the baggage and household effects of the member and shall include in such report such recommendations for legislative action the Secretary considers appropriate.

PART B—EXTENSION OF EXPIRING BONUS AUTHORITY, BENEFITS, AND PERSONNEL MANAGEMENT AUTHORITIES

REIMBURSEMENT FOR ACCOMMODATIONS IN PLACE OF QUARTERS

Sec. 511. (a) Section 7572(b)(3) of title 10, United States Code, is amended—

(1) by striking out "and" after "fiscal year 1984,"; and

(2) by inserting ", and \$1,421,000 for fiscal year 1986" after "fiscal year 1985".

(b) Section 3 of Public Law 96-357 (10 U.S.C. 7572 note) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1986".

EXTENSION OF SPECIAL PAY FOR CERTAIN AVIATION CAREER OFFICERS

Sec. 512. Effective on October 1, 1985, section 301b of title 37, United States Code, is amended by striking out "September 30, 1985" in subsections (e)(2), (e)(3), and (f) and inserting in lieu thereof "September 30, 1986".

EXTENSION OF CERTAIN RESERVE FORCES BONUS AUTHORITIES

Sec. 513. Sections 308b(g), 308c(f), 308e(e), 308g(h), and 308h(g) of title 37, United States Code, are each amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES

Sec. 514. (a) Sections 3359(b), 3380(d), 8359(b), and 8380(d) of title 10, United States Code, are amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

(b) Section 1016(d) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 668), is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

TEMPORARY INCREASE IN THE NUMBER OF GENERAL AND FLAG OFFICERS AUTHORIZED TO BE ON ACTIVE DUTY IN CERTAIN GRADES

Sec. 515. (a) During fiscal year 1986, the number of officers of the Air Force authorized under section 525(b)(1) of title 10, United States Code, to be serving on active duty in the grade of general is increased by one.

(b) During fiscal year 1986, the number of officers of the Navy authorized under section 525(b)(2) of title 10, United States Code, to be serving on active duty in a grade above rear admiral is increased by three. None of the additional officers in grades above rear admiral by reason of this subsection may be in the grade of admiral.

(c) During fiscal year 1986, the number of officers of the Marine Corps authorized under section 525(b)(1) of title 10, United States Code, to be serving on active duty in grades above major general is increased by one, plus an additional one during any period of that fiscal year that an officer of the Marine Corps is serving as the Commander-in-Chief of the United States Central Command. An additional officer in a grade above major general by reason of this subsection may not be in the grade of general, unless a Marine Corps officer is assigned to duty as the Commander-in-Chief of the United States Central Command, in which case one of the additional officers authorized by this section may serve in the grade of general.

PART C—EDUCATIONAL ASSISTANCE PROGRAMS

DEPARTMENT OF DEFENSE EDUCATIONAL LOAN REPAYMENT PROGRAM

Sec. 521. (a) Title 10, United States Code, is amended by adding after chapter 108 the following new chapter:

S 7532

CONGRESSIONAL RECORD — SENATE

June 5, 1985

**"CHAPTER 109—EDUCATIONAL LOAN
REPAYMENT PROGRAM**

"Sec.

"2171. Educational Loan Repayment Program.

"§ 2171. Educational loan repayment program

"(a)(1) Subject to the provisions of this section, the Secretary of Defense may repay any loan made, insured, or guaranteed under part B of the Higher Education Act of 1965, or any loan made under part E of such Act, after October 1, 1975. Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(2) The Secretary may repay loans described in paragraph (1) in the case of any person for—

"(A) service performed (i) as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force after September 30, 1980, and (ii) in a reserve component and military specialty specified by the Secretary of Defense; or

"(B) service performed on active duty as an enlisted member of the armed forces after September 30, 1980, in a military specialty specified by the Secretary.

In the case of service described in clause (A) of the first sentence of this paragraph, the Secretary may repay a loan described in paragraph (1) only if the person to whom the loan was made performed such service after the loan was made.

"(b) The portion or amount of a loan that may be repaid under subsection (a) is—

"(1) 15 percent or \$500, whichever is greater, for each year of service, in the case of service described in subsection (a)(2)(A); or

"(2) 33½ percent or \$1,500, whichever is greater, for each year of service, in the case of service described in subsection (a)(2)(B).

"(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

"(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a).

"(g) The authority provided under this section shall apply only in the case of persons who enlist or reenlist in the Selected Reserve of the Ready Reserve of an armed force or enlist or reenlist for service on active duty after September 30, 1980."

(b) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 108 the following new item:

"109. Educational Loan Repayment Program 2171".

CHANGES TO THE VETERANS' EDUCATIONAL ASSISTANCE ACT OF 1984

Sec. 522. (a) Section 1411 of title 38, United States Code, is amended—

(1) in subsection (a)(1)(B), by striking out "and without a break in service on active duty since December 31, 1976,";

(2) by striking out the first sentence of subsection (b) and inserting in lieu thereof the following: "The basic pay of any individual described in subsection (a)(1)(A) of this section who elects under subsection (c)(1) of this section to become entitled to educational assistance under this chapter shall be reduced by \$100 for each of the first twelve months following the month in which that election is made and during which such individual is entitled to such pay.";

(3) by striking out subsection (c)(1) and inserting in lieu thereof the following:

"(c)(1) In order to receive educational assistance under this chapter, an individual described in subsection (a)(1)(A) of this section must make an election to do so. The election must be made not later than 120 days after such individual initially enters on active duty as a member of the Armed Forces. An individual described in subsection (a)(1)(A) of this section who fails to make such an election is not entitled to receive educational assistance under this chapter."; and

(4) by adding at the end thereof the following new subsection:

"(d)(1)(A) An individual who makes an election under subsection (c)(1) of this section to receive educational assistance under this chapter may, at any time while on active duty and within two years after the date such individual initially enters on that active duty as a member of the Armed Forces, revoke such election. Any such revocation shall be final and an individual who makes such a revocation shall not be entitled to receive any educational assistance under this chapter.

"(B) An individual who makes a revocation under subparagraph (A) shall be entitled to be paid an amount equal to the amount by which such individual's basic pay was reduced pursuant to subsection (b) of this section. Such payment shall be made at the earlier of (i) the individual's first discharge or release from active duty or (ii) the expiration of the individual's initial obligated period of active duty.

"(2)(A) In the case of an individual who—

"(i) has had money withheld from basic pay pursuant to subsection (b) of this section;

"(ii) has not received payment of an amount equal to the amount withheld from basic pay pursuant to paragraph (1) of this subsection;

"(iii) has not received any educational assistance under this chapter; and

"(iv) dies while on active duty without a break in active duty service from the time such person made an election under subsection (c) of this section;

shall have an amount equal to the amount by which such individual's basic pay was reduced pursuant to subsection (b) of this section credited to the final pay account of such individual.

"(B) Funds for payments authorized by subparagraph (A) of this paragraph shall be transferred by the Administrator from the Department of Defense Education Benefits Fund to the Secretary of Defense or the Secretary of Transportation, as the case may be."

(b) Section 1412(a)(1)(B) of such title is amended by striking out "and without a break in service on active duty since December 31, 1976,".

RIGHT OF MEMBER TO TRANSFER EDUCATIONAL ENTITLEMENT TO SPOUSE OR DEPENDENT CHILDREN

Sec. 523. Section 2147(a)(1) of title 10, United States Code, is amended by inserting

after the first sentence the following new sentence: "The Secretary of the Navy may permit a person to transfer all or part of such person's entitlement after the completion of four years of active service of a second reenlistment if that second reenlistment (A) was the period of the enlistment which established the entitlement, and (B) was for a period of at least six years."

**PART D—MISCELLANEOUS PERSONNEL
MATTERS AND BENEFITS****LIMITATION ON SIZE OF HEADQUARTERS STAFFS**

SEC. 531. (a) As of September 30, 1986, the total number of military and civilian personnel assigned to duty in the agencies of the Department of Defense and the military departments to perform management headquarters activities or management headquarters support activities may not exceed the total number of personnel assigned to perform such activities as of September 30, 1985.

(b) The number of military and civilian personnel assigned to the Office of the Secretary of Defense as of September 30, 1986, may not exceed 1,765.

(c) In computing the number of military and civilian personnel assigned to duty in any agency of the Department of Defense or any military department to perform management headquarters activities or management headquarters support activities, the number of personnel assigned to such duty in the National Security Agency/Central Security Service, the Defense Intelligence Agency, the Organization of the Joint Chiefs of Staff, or the Naval Intelligence Command shall not be included.

(d) For purposes of this section, the terms "management headquarters activities" and "management headquarters support activities" have the same meanings prescribed for such terms in Department of Defense Directive 5100.73 entitled "Department of Defense Management Headquarters and Headquarters Support Activities", dated January 7, 1985.

**AUTHORITY TO EXEMPT CERTAIN PHYSICIANS AT
SOLDIERS' AND AIRMEN'S HOME FROM REDUC-
TIONS IN RETIRED PAY**

SEC. 532. (a) The Governor of the United States Soldiers' and Airmen's Home may except, at any time, not more than two physicians employed by the Home from the restrictions in subsections (a), (b), and (c) of section 5532 of title 5, United States Code, if the Governor determines that such exceptions are necessary to recruit or retain well-qualified physicians for the Home. An exception granted under this section shall terminate upon any break in employment with the Home by a physician of 3 days or more.

(b) An exception granted to a person under subsection (a) shall apply to the retired pay of that person beginning with the first month after the month in which the exception is granted after the date of the enactment of this Act.

**PRECEDENCE OF THE AWARD OF THE PURPLE
HEART**

SEC. 533. Section 1127 of title 10, United States Code, is amended by striking out "the lowest position accorded any award or decoration for valor" and inserting in lieu thereof "the Bronze Star".

**AUTHORIZATION FOR MEMBERS OF THE SELECTED
RESERVE TO HAVE LIMITED USE OF COMMIS-
SARY STORES**

SEC. 534. (a)(1) Chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7533

"§ 1051. Limited use of commissary stores by members of the Selected Reserve

"Under regulations prescribed by the Secretary concerned, members of the Selected Reserve of the Ready Reserve of a reserve component of an armed force shall be permitted to use commissary stores of the Department of Defense a number of days each year equal to the number of days the member performs active duty for training as a member of the Selected Reserve. Under such regulations a member of the Selected Reserve shall be permitted a period of one year, from the date on which the member performs active duty for training, to use a day of eligibility for using commissary stores."

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1051. Limited use of commissary stores by members of the Selected Reserve."

(b) The amendments made by subsection (a) shall become effective on October 1, 1985.

(c) Section 1013 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 665), is repealed effective October 1, 1985.

GRADE OF RETIRED REGULAR MEMBERS RECALLED TO ACTIVE DUTY

Sec. 535. Section 688 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) A retired member ordered to active duty under this section may be ordered to active duty in a grade not higher than the highest permanent grade held by such member while on active duty. However, a retired member ordered to active duty under this section may serve in the grade of general or admiral or lieutenant general or vice admiral if the President assigns such a member during that tour of active duty to a position of importance and responsibility and appoints that member to such a grade by and with the advice and consent of the Senate pursuant to section 601 of this title. A member so assigned and appointed shall hold such a grade while on active duty in accordance with the provisions of section 601(b) of this title, but in no case beyond such officer's release from the tour of active duty to which ordered under this section."

MODIFICATION AND STUDY OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL CLASSIFICATION AND PAY SYSTEMS

Sec. 536. (a) Section 5102(c) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of clause (26);

(2) by striking out the period at the end of clause (27) and inserting in lieu thereof "or"; and

(3) by adding at the end thereof the following new clause;

"(28) civilian members of the faculty of the Air Force Institute of Technology whose pay is fixed under section 9314 of title 10."

(b)(1) Section 9314 of title 10, United States Code, is amended—

(A) by inserting "(a)" before "When"; and

(B) by adding at the end thereof the following new subsection:

"(b)(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and Department of Defense personnel limits.

"(2) The Secretary shall prescribe regulations determining—

"(A) titles and duties of civilian members of the faculty, notwithstanding the provisions of chapter 51 of title 5; and

"(B) rates of basic pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5308 of title 5."

(2)(A) The section heading of such section is amended by striking out "degrees".

(B) The item relating to section 9314 in the table of sections at the beginning of chapter 901 of such title is amended by striking out "degrees".

(c) Section 5102(c)(28) of title 5, United States Code (as added by subsection (a)) and section 9314(b)(2) of title 10, United States Code (as added by subsection (b)(1)(B)) shall not apply to any person who, on the date of enactment of this Act, is a civilian member of the faculty of the United States Air Force Institute of Technology, is paid a rate of basic pay under the General Schedule, and elects, under procedures prescribed by the Secretary of the Air Force, to continue to be paid under the General Schedule.

(d) The Secretary of Defense shall provide to the Congress not later than December 31, 1985, an evaluation of the effects of the pay and classification systems applicable to civilian employees of the Department of Defense on recruitment and retention of scientists, engineers, technicians, and other highly skilled personnel in scientific and engineering organizations in the Department.

Sec. 537. (a) Section 5086(a) of title 10, United States Code, is amended by striking out "six" and inserting in lieu thereof "seven".

(b) Nothing contained in this section shall be construed to authorize an increase in the total number of commissioned officers who may be on active duty in the Army, Navy, Air Force, and Marine Corps in a grade above colonel or captain as prescribed in section 811(a)(1) of the Department of Defense Authorization Act, 1978 (10 U.S.C. 131 note) or an increase in the number of officers of the Navy who may be serving on active duty in grades above rear admiral as provided by section 525(b)(2) of title 10, United States Code.

PART E—MILITARY RETIREMENT

LIMITATION ON AMOUNTS AVAILABLE FOR OBLIGATION FOR BASIC PAY AND FOR RETIRED PAY ACCRUAL CHARGE

Sec. 541. From amounts appropriated or otherwise available to the Department of Defense for military personnel accounts for fiscal year 1986, the total amount obligated from each such account for military basic pay and payments into the Department of Defense Military Retirement Fund pursuant to section 1466(a) of title 10, United States Code, may not exceed the following:

(1) For the Department of the Army—

(A) for payments from the appropriation account "Military Personnel, Army", \$16,232,000,000;

(B) for payments from the appropriation account "Reserve Personnel, Army", \$1,733,000,000; and

(C) for payments from the appropriation account "National Guard Personnel, Army", \$2,582,000,000.

(2) For the Department of the Navy—

(A) for payments from the appropriation account "Military Personnel, Navy", \$11,945,000,000;

(B) for payments from the appropriation account "Military Personnel, Marine Corps", \$3,728,000,000;

(C) for payments from the appropriation account "Reserve Personnel, Navy", \$967,000,000; and

(D) for payments from the appropriation account "Reserve Personnel, Marine Corps", \$205,000,000.

(3) For the Department of the Air Force—

(A) for payments from the appropriation account "Military Personnel, Air Force", \$13,836,000,000;

(B) for payments from the appropriation account "Reserve Personnel, Air Force", \$447,000,000; and

(C) for payments from the appropriation account "National Guard Personnel, Air Force", \$767,000,000.

LEGISLATIVE PROPOSAL TO AMEND MILITARY RETIREMENT SYSTEM COSTS

Sec. 542. (a)(1) The Secretary of Defense shall submit to Congress not later than September 1, 1985, a report (including draft legislation) proposing changes in the military nondisability retirement system, in other elements of the military compensation system, or in other military personnel programs, including changes in promotion and retention policies.

(2) The changes to be proposed in the report shall include changes which, if enacted, would result in reductions in the amount required to be paid by the Secretary of Defense into the Department of Defense Military Retirement Fund pursuant to section 1466(a) of title 10, United States Code, during fiscal year 1986 in a total amount that would enable the Department of Defense to remain within the limits on obligations for basic pay and payments into such Fund prescribed by section 541 solely through such reductions.

(3) Structural changes in the military retirement system to be proposed by the Secretary of Defense in the report under this section—

(A) should apply only to individuals who initially become members of the Armed Forces after the effective date of such changes; and

(B) should, to the maximum extent possible and consistent with military requirements, encourage members who are eligible for retirement to remain on active duty beyond 20 years of service.

(4) At the same time the Secretary of Defense submits the report required by paragraph (1), the Secretary shall submit a separate report on the anticipated effects that the proposed changes submitted under paragraph (1) will have on recruiting people into and retaining people in the Armed Forces. The Secretary also shall submit a report concerning what changes in military retirement, compensation, or personnel programs would be necessary if the reductions resulting from the funding limitations set forth in section 541 of this Act were two and three times as large as required by that section, as well as an evaluation of the effects such changes would have on recruiting and retention in the Armed Forces. Such reports shall be based upon changes which would be required under the conditions set forth in paragraphs (1)–(4) of this subsection and in subsections (b), (c), and (d), of this section.

(b) In determining the cost, or the amount to be saved, as the result of the enactment of any legislative proposal that would make changes in the military retirement system effective during fiscal year 1985 or 1986, the actuarial methods and assumptions used shall be the same as those approved by the Board of Actuaries (in accordance with section 1465(d) of title 10, United States Code) for use in calculating the military retirement accrual percentage for the President's budget for fiscal year 1986.

(c)(1) If a significant change in the military retirement system is enacted into law that takes effect during fiscal year 1985 or 1986, the accrual percentage shall be recalculated taking into account that change in law. Any such recalculation shall be made using the actuarial methods and assumptions described in subsection (b).

(2) In making determinations under section 1466(a) of title 10, United States Code,

for months during fiscal years 1985 and 1986 beginning on or after the effective date of any such change in law, the accrual percentage as recalculated under paragraph (1) shall be used in lieu of the accrual percentage that would otherwise be applicable.

(d) For purposes of this section, the term "accrual percentage" means the single level percentage of basic pay determined under section 1465(c)(1) of title 10, United States Code, for the purposes of computations under sections 1465(b) and 1466(a) of that title.

TITLE VI—PROCUREMENT POLICY REFORM AND OTHER PROCUREMENT MATTERS

SHORT TITLE

SEC. 601. This title may be cited as the "Defense Procurement Improvement Act of 1985".

CONGRESSIONAL FINDINGS AND POLICY

SEC. 602. The Congress finds that the process by which the Department of Defense acquires weapon systems and other defense equipment can be improved—

(1) by promoting continuous competition throughout the period of time in which a weapon system or other defense equipment is acquired, when such competition is cost effective, would not result in unacceptable delay, and is otherwise in the national security interest of the United States;

(2) by requiring the Secretary of Defense to make thorough estimates of what it should cost to manufacture a particular weapon system or other defense equipment;

(3) by ensuring that the military and civilian personnel of the Department of Defense who have substantial responsibility for the acquisition of weapon systems and other defense equipment are highly qualified for the duties they perform;

(4) by ensuring that the career path for military officers who have specialized in the acquisition of weapon systems or other defense equipment offers sufficient opportunity for advancement and promotion;

(5) by providing mandatory training for personnel responsible for enforcing quality assurance in contractor facilities;

(6) by promoting increased disclosure of the activities of employees of defense contractors who are former employees of the Department of Defense and who were involved with the procurement of defense services and equipment while employed by the Department of Defense;

(7) by preventing conflicts of interest by employees of the Department of Defense involved in the negotiation and administration of Government contracts;

(8) by continuing procurement technical assistance through outreach programs; and

(9) by shifting the burden of proof in certain matters in the resolution of Government contract disputes.

COMPETITION IN MAJOR WEAPON SYSTEM AND EQUIPMENT ACQUISITION PROGRAMS

SEC. 603. (a)(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2324. Planning for competition in major weapon system and equipment acquisition programs

"(a) In this section:

"(1) 'Full scale development', when used with respect to a weapon system or other defense equipment, means all detail design of the weapon system or other defense equipment necessary for the production of that system or equipment to begin.

"(2) 'Major defense acquisition program' has the same meaning as provided in section 139a(a)(1) of this title.

"(3) 'Acquisition plan' means the type of plan referred to in section 7.104 of the Federal Acquisition Regulation as in effect on April 1, 1985.

"(4) 'Acquisition', when used with respect to a weapon system or other defense equipment, means the complete process associated with the development and procurement of the weapon system and other defense equipment, including identification of military requirements, research, and testing.

"(5) 'System integration' means the development and administration, normally by a prime contractor, of the process of manufacturing a completed weapon system or other defense equipment for delivery to the United States, including the installation of all subsystems and components.

"(b)(1) Before completion of the full scale development of a weapon system or other defense equipment under a major defense acquisition program, the Secretary of Defense shall prepare an acquisition plan for such program.

"(2) The acquisition plan shall provide for the use of competitive procedures when required by section 2304 of this title.

"(C) The acquisition plan prepared pursuant to subsection (b)(1) shall require the establishment and maintenance of two or more production sources for system integration and for major subsystems to be purchased by the United States under the major defense acquisition program when the establishment and maintenance of two or more production sources—

"(1) Would increase competition and would likely result in reduced overall costs for such program;

"(2) would not result in unacceptable delays in fulfilling the needs of the Department of Defense; and

"(3) is otherwise in the national security interest of the United States.

"(d) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives the acquisition plan prepared pursuant to subsection (b)(1) for a major defense acquisition program as soon as the plan is complete, but in no event later than the time that an initial budget request for production of the program is made to the Congress.

"(e) If an acquisition plan prepared pursuant to subsection (b)(1) does not require the establishment and maintenance of two or more production sources, the Secretary shall include in the plan a statement of the reasons, including any cost estimates or other background material, which from the basis for the Secretary's conclusion that the establishment and maintenance of two or more production sources is not required.

"(f) Nothing in this section is intended to modify or abrogate the provisions of section 2304 of this title."

"(2) The table of sections at the beginning of such chapter is amended by inserting at the end thereof the following new item:

"2324. Planning for competition in major weapon system and equipment acquisition program."

"(b) The amendments made by subsection (a) shall apply only to major defense acquisition programs for which funds for initial production are requested by the Secretary of Defense for fiscal year 1987 or any subsequent fiscal year.

COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 604. (a)(1) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2406. Cost estimates for major defense acquisition programs

"(a) In this section:

"(1) 'Competitive procedures' has the same meaning as provided in section 2302(2) of this title:

"(2) 'Major defense acquisition program' has the same meaning as provided in section 139a(a)(1) of this title.

"(3) 'Should-cost analysis' means the type of analysis referred to in section 15.810 of the Federal Acquisition Regulation as in effect on April 1, 1985.

"(4) 'System integration' has the same meaning as provided in section 2324(a)(5) of this title.

"(b)(1) During the first four years of production under a major defense acquisition program, the Secretary of Defense shall perform a should-cost analysis of the system integration and of each major subsystem to be purchased directly by the United States for each such program.

"(2) The should-cost analysis of a major defense acquisition program required by paragraph (1) shall be conducted with respect to a contractor only when the contractor has received a contract award under the program under other than competitive procedures during the first four years of production of the program.

"(c) The Secretary of Defense shall authorize the Secretaries of the military departments, on a nondelegable basis, to waive the requirement of subsection (b) and shall establish criteria for the exercise of the authority. The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives the criteria established under the first sentence. A grant of authority and the criteria established in connection with that authority may not take effect for a period of 60 calendar days after the day on which the criteria is received by the committees.

"(d) The Secretary of a military department shall promptly report to the Committees on Armed Services of the Senate and House of Representatives any waiver made by the Secretary under subsection (d).

"(e) If practicable, the preparation of the should-cost analysis in connection with any major defense acquisition program should be performed by employees of the Department of Defense.

"(f) The Secretary of Defense shall report annually to the Committees on Armed Services of the Senate and House of Representatives the cost of performing should-cost analyses for major defense acquisition programs and the savings believed to have been achieved in such programs from the analyses."

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2406. Cost estimates for major defense acquisition programs."

(b) The amendments made by subsection (a) shall apply only to major defense acquisition programs for which funds for initial production are appropriated for fiscal year 1986 or for any subsequent fiscal year.

MANAGEMENT OF DEPARTMENT OF DEFENSE PROCUREMENT PERSONNEL

SEC. 605. (a) Part II of subtitle A of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 85—PROCUREMENT MANAGEMENT PERSONNEL

"Sec.

"1621. Definitions.

"1622. Education training, and experience requirements for program managers.

"1623. Education training, and experience requirements for certain assignments.

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7535

"1624. Training program for quality assurance personnel.

"§ 1621. Definitions

"In this chapter.

"(1) 'Major defense acquisition program' shall have the same meaning as provided in section 139a(a)(1) of this title.

"(2) 'Program manager' means an individual assigned by a military department to have overall responsibility for acquisitions under a major defense acquisition program.

"§ 1622. Education, training, and experience requirements for program managers

"(a) The Secretary of each military department shall prescribe regulations, subject to the approval of the Secretary of Defense, establishing minimum requirements of education, training, and prior experience for program managers of major defense acquisition programs.

(b) Regulations prescribed under subsection (a) shall require, at a minimum, that to be assigned to duty as a program manager a person must—

"(1) have attended the program management course at the Defense Systems Management College or a comparable program management course at another institution; and

"(2) have had eight years of total experience in the acquisition, support, and maintenance of weapon systems, at least four years of which was spent on assignments in the Army Materiel Command, Naval Materiel Command, Air Force Systems Command, or Air Force Logistics Command, or any successor organization of any such command.

"(c) Periods of time spent in postgraduate education in a technical or management field and attending the course referred to in subsection (b)(1) may be counted toward satisfying the eight-year requirement prescribed in subsection (b)(2).

"(d) In assigning any person to duty as a program manager, the Secretary concerned may waive the requirements prescribed in subsection (b) in individual cases. The authority to waive the requirements may not be delegated.

"§ 1623. Education, training, and experience requirements for certain assignments

"(a) The Secretary of each military department concerned shall prescribe regulations, subject to the approval of the Secretary of Defense, establishing minimum requirements of education, training, and prior experience for officers of that department assigned to duty in the Army Materiel Command, Naval Materiel Command, Air Force Systems Command, or Air Force Logistics Command, or any successor organization of any such command, who hold the grade of brigadier general or commodore, or any higher grade.

"(b) Regulations prescribed under subsection (a) shall require, at a minimum, that is order for an officer of a military department to serve in the grade of brigadier general or commodore, or a higher grade, while assigned to duty in the Army Materiel Command, Naval Materiel Command, Air Force Systems Command, or Air Force Logistics Command, or any successor organization of any such command, the officer must meet the requirements of section 1622(b) of this title.

"(c) The Secretary concerned may waive the requirements for assignment to duty described in subsection (a). The authority to waive such requirements may not be delegated.

"§ 1624. Training program for quality assurance personnel

"The Secretary of Defense shall develop a formal introductory training program of not

less than four weeks in duration for all personnel of the Department of Defense who are responsible for assuring quality in contractor facilities. A person assigned to perform quality assurance duties in the Department of Defense shall attend such program during the first six months of the assignment."

(b) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part II of such subtitle are each amended by inserting after the item relating to chapter 83 the following new item:

"85. Procurement Management Personnel..... 1621".

IMPROVED REPORTING AND DISCLOSURE FOR FORMER EMPLOYEES OF THE DEPARTMENT OF DEFENSE; PREVENTION OF CONFLICTS OF INTEREST

SEC. 606. (a) Section 2397(a)(1) of title 10, United States Code, is amended—

(1) by striking out "by negotiation"; and

(2) by striking out "\$10,000" and inserting in lieu thereof "\$25,000".

(b) Section 2397(b)(2) of such title is amended to read as follows:

"(2)(A) If a person to whom this subsection applies (i) was employed by, or served as a consultant or otherwise to, a defense contractor at any time during a year at an annual pay rate of at least \$25,000 and the defense contractor was awarded contracts by the Department of Defense during the preceding year that totaled at least \$10,000,000, and (ii) within the 2-year period ending on the day before the person began the employment or consulting relationship, the person served on active duty or performed civilian service for the Department, the person shall file a report with the Secretary of Defense in such manner and form as the Secretary may prescribe. The person shall file the report not later than 90 days after the date on which the person began the employment or consulting relationship.

"(B) The person shall file an additional report each time, during the 2-year period beginning on the date the active duty or civilian service with the Department terminated, that the person's job with the defense contractor significantly changes or the person commences an employment or consulting relationship with another defense contractor under the conditions described in the first sentence. A person required to file an additional report under this subparagraph shall file the report within 30 days after the date of the change or the date the employment or consulting relationship commences, as the case may be."

(c) Section 2397 (b)(3) of title 10, United States Code, is amended—

(1) by striking out clause (D) and inserting in lieu thereof the following:

"(D) A description of the duties and work performed by the person for the defense contractor, and a description of any similar duties or work performed for which the person had at least partial responsibility as a civilian official or employee of the Department of Defense or a member of the armed forces during the 2-year period referred to in paragraph (2)(A)(ii).";

(2) in clause (F)—

(A) by striking out "brief"; and

(B) by striking out "3-year period before that duty or service ended" and inserting in lieu thereof "2-year period referred to in paragraph (2)(A)(ii) and a description of the type of work performed and the extent to which such work was performed by the person for the defense contractor that has employed the person or has retained the person as a consultant"; and

(3) by adding at the end thereof the following new clause:

"(I) A statement describing any disqualification action taken by the person during the 2-year period referred to in paragraph (2)(A)(ii) with respect to any involvement in a matter concerning the defense contractor."

(d)(1) Section 2397(c)(1) of such title is amended—

(A) by striking out "fiscal" each place it appears; and

(B) in clause (B)—

(i) by striking out "3-year" and inserting in lieu thereof "2-year"; and

(ii) by striking out "\$15,000" and inserting in lieu thereof "\$25,000".

(2) Section 2397(c)(2) of such title is amended—

(A) by striking out clause (C) and inserting in lieu thereof the following:

"(C) A description of the duties and work performed by the person with the Department and a description of any similar duties or work for which the person had at least partial responsibility as an employee or consultant of the defense contractor during the 2-year period referred to in paragraph (1)(B)."; and

(B) by striking out clause (F) and inserting in lieu thereof the following:

"(F) A description of the duties and work performed by the person for the defense contractor and a description of the type of work and the extent to which such work was performed by the person in connection with contracts of the defense contractor with the Department during the 2-year period referred to in paragraph (1)(B)."

(e) Subsection (f) of section 2397 of such title is amended to read as follows:

"(f)(1) A person who fails to comply with the filing requirements of this section shall be liable to the United States for an administrative penalty in the amount of \$10,000, or in such lesser amount as may be determined by the Secretary of Defense, considering all the relevant circumstances.

"(2) The Secretary shall determine whether a person has failed to file a report required by this section and shall determine the amount of the penalty under paragraph (1). The Secretary shall make the determinations on the record after opportunity for an agency hearing as provided in subchapter II of chapter 5 of title 5, United States Code. The determinations of the Secretary shall be subject to judicial review under chapter 7 of such title."

REQUIREMENTS RELATING TO PRIVATE EMPLOYMENT CONTRACTS BETWEEN CERTAIN DEPARTMENT OF DEFENSE PROCUREMENT OFFICIALS AND DEFENSE CONTRACTORS

SEC. 607. (a)(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2397 the following new section:

"§ 2397a. Requirements relating to private employment contracts between certain Department of Defense procurement officials and defense contractors

"(a) In this section:

"(1) 'Contract' has the same meaning as provided in section 2397(a)(1) of this title.

"(2) 'Covered defense official' means any individual who is serving—

"(A) as a civilian officer or employee of the Department of Defense in a position for which the rate of pay is equal to or greater than the minimum rate of pay payable for grade GS-11 under the General Schedule; or

"(B) on active duty in the armed forces in a pay grade of O-4 or higher.

"(3) 'Defense contractor' has the same meaning as provided in section 2397(a)(2) of this title.

"(4) 'Designated agency ethics official' has the same meaning as the term 'designated

agency official' in section 209(10) of the Ethics in Government Act of 1978 (92 Stat. 1850; 5 U.S.C. App.).

"(5) 'Employment' means a relationship under which an individual furnishes services in return for any payment or other compensation paid directly or indirectly to the individual for the services.

"(6) 'Procurement function' includes, with respect to a contract, any function relating to—

"(A) the negotiation, award, administration, or approval of the contract;

"(B) the selection of a contractor;

"(C) the approval of changes in the contract;

"(D) quality assurance, operation and developmental testing, the approval of payment, or auditing under the contract; or

"(E) the management of the procurement program.

"(b)(1) If a covered defense official who has participated in the performance of a procurement function in connection with a contract awarded by the Department of Defense contacts or is contacted by, the defense contractor to whom the contract was awarded, or an agent of such contractor, regarding future employment opportunities for the official with the defense contractor, the official shall, except as provided in paragraph (2)—

"(A) Promptly report the contact to the official's supervisor and to the designated agency ethics official (or his designee) of the agency in which the covered defense official is employed; and

"(B) for any period for which future employment opportunities for the covered defense official have not been rejected by either the covered defense official or the defense contractor, disqualify himself from all participation in the performance of procurement functions relating to contracts of the defense contractor.

"(2) A covered defense official is not required to report the first contact with a defense contractor under paragraph (1)(A) or to disqualify himself under paragraph (1)(B) if the defense official terminates the contact immediately. However, if an additional contact of the same or a similar nature is made by or with the defense contractor, the covered defense official shall, as provided in paragraph (1), report the contact and all contacts of the same or a similar nature made by or with the defense contractor during the 90-day period ending on the date the additional contact is made.

"(c) A report required by subsection (b)(1) shall include—

"(1) the date of each contact covered by the report; and

"(2) a brief description of the substance of the contact.

"(d)(1)(A) If the Secretary of Defense determines under paragraph (2) that a person has failed promptly to make a report required by subsection (b)(1)(A) or (b)(2) or has failed to disqualify himself in any case in which he is required to do so under subsection (b)(1)(B)—

"(i) the person may not accept or continue employment with the defense contractor during the 10-year period beginning with the date of separation from Government service; and

"(ii) the Secretary may impose on the person an administrative penalty in the amount of \$10,000, or in such lesser amount as may be prescribed by the Secretary, taking into consideration all the circumstances.

"(B) An individual who accepts or continues employment prohibited by subparagraph (A)(i) shall be liable to the United States for an administrative penalty as provided in subparagraph (A)(ii). Such penalty

may be in addition to any penalty previously imposed on the individual under subparagraph (A)(ii) for failure promptly to make a report relating to the defense contractor by whom the individual is employed as required by subsection (b)(1)(A) or (b)(2).

"(C) The Secretary of Defense may take action against an individual under this paragraph before, on, or after the date on which the individual's employment with the Government is terminated.

"(2)(A) The Secretary of Defense shall—

"(i) determine whether an individual has failed promptly to make a report required by subsection (b)(1)(A) or (b)(2) or has failed to disqualify himself in any case in which he is required to do so under subsection (b)(1)(B) and shall determine whether to impose a penalty under paragraph (a)(A)(ii) and the amount thereof; and

"(ii) determine whether an individual is liable to the United States for an administrative penalty under paragraph (1)(B) and the amount thereof.

There shall be a rebuttable presumption in favor of a covered defense official that failure to report a contact with a defense contractor or failure to disqualify himself from participation in the performance of certain procurement functions is not a violation of subsection (b)(1)(A) or (b)(2) or subsection (b)(1)(B), as the case may be, if the defense official has received an opinion in writing from the designated agency ethics official under subsection (c) stating that a report or disqualification by the official was not necessary.

"(B) Determinations of the Secretary under subparagraph (A) shall be made on the record after opportunity for an agency hearing as provided in subchapter II of chapter 5 of title 5. The determinations of the Secretary shall be subject to judicial review under chapter 7 of such title.

"(c) If a designated agency ethics official or his designee receives a report required by subsection (b) or a request for advice from a covered defense official relating to a contact described in such subsection, the designated agency ethics official or his designee may issue a written opinion regarding the necessity of a covered defense official to file a report or disqualify himself from participation in certain procurement functions, as the case may be.

"(f) A covered defense official should request the advice of his supervisor and the appropriate designated agency ethics official or his designee on matters to which this section applies."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2397 the following new item:

"2397a. Requirements relating to private employment contacts between certain Department of Defense procurement officials and defense contractors."

(b) The amendments made by subsection (a) shall take effect with respect to contacts (referred to in section 2397a of title 10, United States Code, as added by subsection (a) of this section) made on or after the date of enactment of this Act.

AUTHORIZATION OF FUNDS TO CARRY OUT PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

Sec. 608. (a) There are authorized to be appropriated \$3,000,000 for each of the fiscal years 1986 and 1987 to be available for the purpose of furnishing assistance to carry out procurement technical assistance programs pursuant to cooperative agreements under chapter 142 of title 10, United States Code.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such ad-

ditional sums as are necessary to defray the expenses of administering the provisions of such chapter during such fiscal years, including the expenses related to the employment of any additional personnel necessary to administer such positions.

BURDEN OF PROOF IN GOVERNMENT CONTRACT DISPUTE RESOLUTION

SEC. 609. In any proceeding before the Armed Services Board of Contract Appeals, the United States Claims Court, or any other Federal court in which the reasonableness of general or administrative costs for which a defense contractor seeks reimbursement from the Department of Defense are in issue, the burden of proof shall be upon such contractor to establish that such costs are reasonable.

TECHNICAL AMENDMENTS

SEC. 610. (a) Sections 2321 through 2331 of chapter 138 of title 10, United States Code, are redesignated as sections 2331 through 2341, respectively.

(b) Sections 2331 and 2332 of such chapter, as redesignated by subsection (a), are each amended by striking out "2323" and inserting in lieu thereof "2333".

(c) Section 2333 of such chapter, as redesignated by subsection (a), is amended by striking out "2321" and "2322" each place they appear and inserting in lieu thereof "2331" and "2332", respectively.

(d) The items relating to sections 2321 through 2331 in the table of sections at the beginning of such chapter are redesignated to reflect the redesignations made by subsection (a).

EFFECTIVE DATES

SEC. 611. (a) Section 1623 of title 10, United States Code (as added by section 605(a) of this title), shall take effect on July 1, 1990.

(b) Section 1624 of title 10, United States Code (as added by section 605(a) of this title), shall take effect on January 1, 1987.

(c) The regulations prescribed under subsection (a) of section 1622 of title 10, United States Code (as added by section 605(a) of this title) shall provide that—

(1) the requirement described in subsection (b)(1) of such section 1622 shall take effect July 1, 1987; and

(2) the requirement described in subsection (b)(2) of such section shall take effect July 1, 1989.

COMMISSION ON DEFENSE PROCUREMENT

SEC. 612. (a)(1) There is hereby established a commission to be known as the Commission on Defense Procurement (hereinafter in this section referred to as the "Commission") to make a comprehensive study and review of those reports, studies, and analyses on defense procurement which it considers appropriate and to recommend to the President and to the Congress ways to eliminate waste, fraud, and abusive practices in, and to improve the organization and management of, the defense procurement process.

(2) The Commission shall be composed of 21 members as follows:

(A) Seven private citizens appointed by the President from among persons who are well qualified to serve as members of the Commission by reason of their education, training, and experience and who are not employed by or otherwise connected with firms doing business with the Department of Defense.

(B) Three members appointed by the President from the defense industry.

(C) Three members appointed by the President from the Department of Defense.

(D) Four members appointed by the President, two upon the recommendation of the

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7537

majority leader of the Senate and two upon the recommendation of the minority leader of the Senate.

(E) Four members appointed by the President, two upon the recommendation of the Speaker of the House of Representatives and two upon the recommendation of the minority leader of the House of Representatives.

(3) The President shall designate one member of the Commission appointed under paragraph (2)(A) to serve as Chairman of the Commission.

(4) Eleven members of the Commission shall constitute a quorum for the transaction of business, but the Commission may establish number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence. The Commission shall meet at the call of the Chairman.

(5) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(b)(1) All members of the Commission shall be appointed not later than 60 days after the date on which funds are made available for the operation of the Commission.

(2) The Commission shall hold its first meeting not later than 30 days after the date on which the last member is appointed to the Commission.

(c) Not later than 180 days after the first meeting of the Commission, the Commission shall report its findings and recommendations to the President and the Congress and the Commission shall transmit a copy of the report to the Secretary of Defense and the Comptroller General of the United States.

(d) The Secretary of Defense shall consider the Commission's findings and recommendations. Not later than 90 days after the date the Commission transmits the report to the President under subsection (c), the Secretary shall transmit to the Congress a report on his views and planned actions in response to the report of the Commission.

(e) The Comptroller General of the United States shall review the Commission's findings and recommendations. Not later than 90 days after the date the Commission transmits the report to the Congress under subsection (c), the Comptroller General shall transmit to the Congress a report on his views and recommendations on the report of the Commission.

(f)(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate, subject to the availability of appropriations. No such personnel shall be paid at a rate in excess of the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(g)(1) Members of the Commission appointed from private life may each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the

Executive Schedule for each day (including traveltime) during which they are engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay by reason of their service on the Commission.

(2) All members of the Commission shall be reimbursed for travel, as authorized by section 5703 of title 5, United States Code, subsistence, and other necessary expenses incurred in the performance of the duties of the Commission.

(h)(1) The Commission or, on the authorization of the Commission, any subcommittee thereof or any member authorized by the Commission may, for the purpose of carrying out its functions hold such hearings as may be required for the performance of its functions.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any hearing. The per diem and mileage allowances of witnesses so summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

(3) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates and statistics directly to the Commission, upon request made by the chairman.

(4) Upon request of the Commission, the head or any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this section unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commission and so notifies the chairman in writing.

(5) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress and the President.

(i) Fifteen days after the date the reports required by subsections (d) and (e) are transmitted to the Congress, the Commission shall cease to exist.

(j) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

DEFENSE CONTRACT AUDIT AGENCY SUBPOENA AUTHORITY

SEC. 613. (a)(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§2324. Subpoena of books and records of contractors or subcontractors

"(a)(1) The Director of the Defense Contract Audit Agency is authorized to require by subpoena the production of any book, paper, statement, record, information, account, writing, or other document of a contractor or subcontractor furnishing or offering to furnish any property or any service to the Department of Defense under a contract awarded or to be awarded by the Department if the Director is entitled to have access to such document under applicable

provisions of statute, regulation, or a contract or subcontract for which the Defense Contract Audit Agency has audit responsibility.

"(2) In the case of contumacy or refusal to obey, a subpoena issued under subsection (a) shall be enforceable by order of any appropriate United States district court.

"(b) The Director of the Defense Contract Audit Agency shall, on a quarterly basis, transmit to the Secretary of Defense and the appropriate committees of the Congress a report on the exercise of the subpoena authority provided in subsection (a). The report shall include the number of instances in which the Director has exercised the authority during the quarter covered by the report, a statement of all reasons for the exercise of the authority in each case, a detailed explanation of why alternative investigatory methods were inadequate in each case, and the level of compliance with each subpoena issued or outstanding during such quarter."

"(2) The table of sections at the beginning of such chapter is amended by inserting at the end thereof the following new item:

"2324. Subpoena of books and records of contractors or subcontractors."

(b) The amendments made by subsection (a) shall apply with respect to contracts awarded by the Department of Defense which are in effect on the date of enactment of this Act and to contracts awarded by the Department on or after such date.

CONTRACTED ADVISORY AND ASSISTANCE SERVICES

SEC. 614. (a)(1) The Secretary of Defense shall require that there be established within each military department an accounting procedure to aid in the identification and control of expenditures for services identified as contracted advisory and assistance services.

(2) Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the accounting procedure established in accordance with paragraph (1) and the implementation of the procedures in each military department.

(b)(1) The Secretary shall prescribe regulations which specifically describe—

(A) what services the Secretary of Defense considers to be contracted advisory and assistance services; and

(B) of those services, which services are carried out in direct support of a weapon system and are essential to the development, production, or maintenance of the system.

(2)(A) The regulations prescribed under paragraph (1) shall consider contract advisory and assistance services in the following areas—

- (i) management and professional services;
- (ii) special studies and analyses;
- (iii) management and support services for research and development activities;
- (iv) training;
- (v) management review of program-funded organizations;
- (vi) public relations;
- (vii) other consulting services;
- (viii) engineering development and operational systems development related to research and development activities;
- (ix) technical assistance;
- (x) technical representation;
- (xi) quality control, testing and inspection services;
- (xii) specialized medical services; and

(xiii) architectural and engineering services, other than in connection with construction.

(B) The services identified under paragraph (1)(B) shall consider the areas described in clauses (viii) through (xiii) of subparagraph (A).

(3) Regulations required by paragraph (1) shall be prescribed not later than 6 months after the date of enactment of this Act.

(c) Budget documents presented to Congress in support of the annual budget for the Department of Defense shall identify the amount of contracted advisory and assistance services as defined under regulations prescribed pursuant to subsection (b) and shall separately set forth amounts for such services described in subsection (b)(1)(B) and for each category of such services described in subsection (b)(2)(A).

COST AND PRICE MANAGEMENT IN DEFENSE PROCUREMENT

Sec. 615. (a) Chapter 141 of such title is amended by adding at the end thereof the following new section:

"§ 2406. Cost and price management

"(a) In this section:

"(1) 'Covered contract' means any contract awarded by a defense agency using procedures as defined in chapter 137 of this title and which is subject to the provisions section 2306 of this title, including contracts for full-scale engineering, development, or production.

"(2) 'Defense agency' means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency.

"(b)(1) A defense agency which is responsible for the acquisition of property (including major manufactured end items) or services under a covered contract shall cause to be recorded the contractor's proposed and negotiated cost and pricing data acquired by the agency into appropriate categories, including labor costs, material costs, subcontract costs, overhead costs, general and administrative costs, fee or profit, recurring costs, and nonrecurring costs.

"(2)(A) A defense agency which is responsible for the acquisition of major manufactured end items under a covered contract shall cause to be recorded the proposed and negotiated bills of labor for labor used by the prime contractor and each associate contractor in manufacturing the item and for labor used by each such contractor in performing routine testing relating to the item. The bill of labor relating to the labor used by any such contractor shall reflect such contractor's computation of the work required in manufacturing parts and subassemblies for the end item and in performing routine testing of such parts and subassemblies.

"(B) Each contractor preparing a bill of labor referred to in subparagraph (A) shall specify in the bill of labor the current industrial engineering standard hours of work content (also known as 'should-take times') for the work included in a component of the bill of labor and for the total work included in the bill of labor. The contractor shall base the standard hours of work content specified in the bill of labor on the 'fair day's work' concept, as such term is understood in competitive commercial manufacturing industries in the United States. The contractor's standard hours of work content included in the bill of labor shall not vary from time standards derived from commercially available predetermined time standard systems widely used in the United States, as determined by the defense agency, subject to verification by audit.

"(C) The head of a defense agency acquiring a bill of labor referred to in subparagraph (A) shall provide for the maintenance of the information relating to standard hours of work content included under subparagraph (B) and shall review such information to determine changes in measured work content as work progresses under the contract to which the bill of labor relates.

"(3) A defense agency which is responsible for the acquisition of major manufactured end items under a covered contract shall cause to be recorded the proposed and negotiated bills of material used by the prime contractor and each associate contractor under the contract in manufacturing the item and of material used by each such contractor in performing routine testing relating to the item. The bill of material used by any such contractor shall reflect such contractor's computation of the material required for manufacturing parts and subassemblies for the end item and for routine testing of such parts and subassemblies. The costs set out in the bill of material shall be expressed in current dollars and shall be maintained and received in a manner similar to the manner provided for bills of labor in paragraph (2)(C).

"(4) A defense agency which is responsible for the acquisition of property (including major manufactured end items) or services under a covered contract shall cause to be recorded incurred costs under the contract in the same manner as the defense agency categorizes and records proposed and negotiated costs, including grouping the costs as provided under paragraph (1).

"(c)(1) Nothing in this section shall prohibit a contractor from submitting a request for payment or reimbursement for any bill of labor or any bill of material developed pursuant to an approved system of cost principles and procedures.

"(2) Nothing in this section shall require the submission of the information to be submitted under this section if the contractor does not maintain such information on the date of enactment of this section."

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2406. Cost and price management."

ADJUSTED PROCUREMENT BUDGET PLAN

Sec. 616. The Secretary of Defense shall submit to the Congress not later than September 15, 1985 an adjusted Five Year Defense Plan beginning in Fiscal Year 1986 in which the total budget authority for each fiscal year does not increase more than 3 per centum over the previous year's total budget authority adjusted for the official inflation projections for that year, and a second Five Year Defense Plan in which the total budget authority for each year does not exceed the previous year's budget authority adjusted for the official inflation projections for that year. Such plans shall include the broad categories as follows:

(1) a single amount representing the total budget authority for each appropriation account, except that amount shall be specified at the budget activity level in the procurement appropriation accounts;

(2) the annual procurement plans for each of the five years for each major defense acquisition program as defined in section 139(a) of title 10, United States Code.

TITLE VII—DEPARTMENT OF DEFENSE EFFICIENCY AND ECONOMY MATTERS

SHORT TITLE

Sec. 701. This title may be cited as the "Department of Defense Efficiency and Economy Act of 1985".

PART A—ALLOWABLE CONTRACT COSTS

REGULATIONS RELATING TO ALLOWABLE GENERAL AND ADMINISTRATIVE COSTS

Sec. 702. (a) The Secretary of Defense shall, within 90 days after the date of the enactment of this Act, issue proposed regulations to amend those provisions of the Department of Defense Supplement to the Federal Acquisition Regulation dealing with the allowability of contractor costs. The amendments shall define in detail and in specific terms those general and administrative costs which are unallowable, in whole or in part, under contracts entered into by the Department of Defense. In developing specific standards on the allowability of contractor costs, the Secretary shall consider whether the costs incurred would benefit the United States or would be reasonably necessary for the operation of the business. The amendments shall specify, at a minimum, that the following costs are generally unallowable:

(1) Advertising, other than for recruiting employees, acquiring scarce items, or disposing of scrap or surplus material.

(2) Dues paid to any social, country, or luncheon club, or any similar type of club or organization.

(3) That portion of the cost of the use of company furnished automobiles which is of personal benefit to the user.

(4) That portion of the cost of the use of company furnished aircraft which is of personal benefit to the user.

(5) Contributions or donations, regardless of the recipient, including political contributions.

(6) Entertainment costs.

(7) Fines and penalties.

(8) Lobbying costs.

(9) First-class air travel unless lower priced air travel is not reasonably available.

(10) Defense of fraud proceedings brought by the United States, except to the extent found to be not liable for the alleged fraud.

(11) Gifts.

(12) Hotel expenses in excess of limits prescribed in regulations.

(13) Meal expenses in excess of limits prescribed in regulations.

(14) Transportation to and from work except as specifically provided for in regulations or in the contract.

(b)(1) After final promulgation of the amendments required by subsection (a), if a contractor submits for any period a proposal for general and administrative cost settlement after the costs covered by such proposal have been paid or accrued and the proposal includes any general or administrative cost which is unallowable because the cost violates a cost principle in the Federal Acquisition Regulation or the Department of Defense Supplement to the Federal Acquisition Regulation, the cost shall be disallowed. If the Secretary of Defense determines by clear and convincing evidence that a general or administrative cost submitted by a contractor is unallowable under the preceding sentence, he shall assess a penalty against the contractor in an amount equal to the amount of the disallowed cost plus interest to be computed from the date on which the request for reimbursement of such cost was submitted until final settlement of the contract or until the claim for such cost is withdrawn, and at the applicable rate prescribed by the Secretary of the Treasury pursuant to Public Law 92-41 (85 Stat. 97).

(2) An action of the Secretary under paragraph (1) shall be considered a final decision for the purposes of section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) and

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7539

shall be appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

(c)(1) After final promulgation of the amendments required by subsection (a), if the Secretary determines that proposals for general and administrative cost settlement submitted by a contractor consistently contain costs which by clear and convincing evidence have previously been determined to be unallowable because the costs violate cost principles in the Federal Acquisition Regulation or the Department of Defense Supplement to the Federal Acquisition Regulation or that such proposals submitted by a contractor repeatedly include the same or similar costs previously determined to be unallowable in the case of such contractor, the Secretary shall assess a penalty against the contractor, in addition to the penalty assessed under subsection (b), equal to not more than 2 times the amount of the general and administrative costs contained in the proposal for which there is clear and convincing evidence of unallowability because the costs violate cost principles in the Federal Acquisition Regulation or the Department of Defense Supplement to the Federal Acquisition Regulation or because the costs have been previously determined to be unallowable in the case of such contractor.

(2) An action of the Secretary under paragraph (1) shall be considered a final decision for the purposes of section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) and is appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

(d) The submission for any period of a proposal for general and administrative cost settlement after the costs covered by such proposal have been paid or accrued and such proposal includes any costs not actually paid by the contractor or not actually accrued in accordance with generally accepted accounting principles or cost accounting standards shall be—

(1) subject to the provisions of section 287 of title 18, United States Code, and shall be punishable as provided by law (including section 704(a) of this Act) for offenses under that section; and

(2) subject to the provisions of section 3729 of title 31, United States Code, and shall be subject to the penalties provided for such a claim under section 704(b) of this Act.

(e) Regulations prescribed by the Secretary of Defense under this section shall not apply to contracts which are firm-fixed-price contracts (as described in section 16.202-1 of the Federal Acquisition Regulation, as in effect on April 1, 1985).

REGULATION TO CONTROL PRICES THAT MAY BE PAID FOR SPARE PARTS

Sec. 703. (a) The Congress finds that the Department of Defense has in some instances paid unreasonably high prices for spare parts because—

(1) some parts have been built to overly detailed specifications;

(2) some parts have been designed and fabricated in such a manner that excessive engineering and manufacturing steps have been involved resulting in a price in excess of the intrinsic value of the part;

(3) some parts have been purchased in very small, and thus highly uneconomic, quantities;

(4) some parts have had inappropriate amounts of corporate overhead assigned to them, resulting in a price in excess of the intrinsic value of the part;

(5) some parts have not been purchased directly from the manufacturer, and thus the Government has unnecessarily paid an additional profit to the seller;

(6) some parts have not been purchased through a competitive process; and

(7) some parts have been sold with unreasonably high profits included in the price.

(b) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall report to the Committees on Armed Services of the Senate and House of Representatives on the specific actions taken by the Department of Defense to address the management problems identified in subsection (a). Such report shall evaluate the actions taken to determine whether the actions have been successful in remedying the identified management problems.

(c) In the event that the Secretary of Defense concludes that the management problems identified in subsection (a) have not been successfully remedied by actions of the Department of Defense, he shall—

(1) issue proposed regulations to limit the price that may be charged by defense contractors for spare parts; and

(2) submit proposed legislation to remedy the management problems identified in subsection (a), as necessary.

(d) Nothing herein is intended to modify, amend, or repeal section 1245 of the fiscal year 1985 Department of Defense Authorization Act, Public Law 98-473, the provisions of which the Secretary of Defense has failed to comply with as of May 24, 1985.

INCREASED PENALTIES FOR FALSE CLAIMS IN DEPARTMENT OF DEFENSE PROCUREMENT

Sec. 704. (a) Notwithstanding section 287 of title 18, United States Code, the maximum fine that may be imposed under such section on a contractor of the Department of Defense for making or presenting any claim upon or against the United States, knowing such claim to be false, fictitious, or fraudulent, shall be \$1,000,000.

(b) Notwithstanding section 3729 of title 31, United States Code, the amount of the liability under that section in the case of a person who makes a false claim described in section 702(d)(2) of this Act shall be a civil penalty of \$2,000, an amount equal to 3 times the amount of the damages the Government sustains because of the act of the contractor, and costs of the civil action.

(c) Subsections (a) and (b) shall be applicable to claims made by contractors of the Department of Defense on and after the date of the enactment of this Act.

PART B—COMPETITIVE LABOR PURCHASE REQUIREMENTS

AMENDMENTS TO THE DAVIS-BACON ACT

Sec. 711. (a) Subsection (a) of the first section of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes" approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act is amended—

(1) by inserting "(1)" after "(a)";

(2) by inserting "or, in the case of contracts awarded by the Department of Defense, every contract in excess of \$1,000,000" after "\$2,000" in the first sentence; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) The minimum wages provided for in paragraph (1) in the case of a construction, alteration, or repair contract awarded by the Department of Defense shall be the prevailing wages determined by the Secretary of Labor under subparagraph (B).

"(B) For purposes of subparagraph (A), the Secretary of Labor shall base his determination of the wages prevailing for the corresponding classes of laborers, mechanics, and helpers on—

"(i) the wage paid to 50 per centum or more of the corresponding classes of labor-

ers, mechanics, and helpers employed on private industry projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there; or

"(ii) if the same wage is not paid to 50 per centum or more of the laborers, mechanics, and helpers in the corresponding classes, the weighted average of the wages paid to the corresponding classes of laborers, mechanics, and helpers employed on private industry projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there."

(b)(1) The first section of such Act is further amended—

(A) by striking out "mechanics and/or laborers" in subsection (a)(1) and inserting in lieu thereof "laborers, mechanics, helpers, or any combination thereof";

(B) by striking out "laborers and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers";

(C) by striking out "mechanics and laborers" in subsection (a)(1) and inserting in lieu thereof "laborers, mechanics, and helpers"; and

(D) by striking out "laborer or mechanic" in subsection (b) and inserting in lieu thereof "laborer, mechanic, or helper".

(2) Section 2 of such Act (40 U.S.C. 276a-1) is amended by striking out "laborer or mechanic" and inserting in lieu thereof "laborer, mechanic, or helper".

(3) Section 3 of such Act (40 U.S.C. 276a-2) is amended by striking out "laborers and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers".

PROHIBITION ON ESTABLISHMENT OF PAY RATES FOR PREVAILING RATE EMPLOYEES OF THE DEPARTMENT OF DEFENSE USING SURVEYS OF WAGES PAID OUTSIDE THE LOCAL WAGE AREA

Sec. 712. (a) Section 5343(d)(2) of title 5, United States Code, is amended to read as follows:

"(2) When the lead agency determines that there is a number of comparable positions in private industry insufficient to establish the wage schedules and rates, such agency shall—

"(A) establish the wage schedules and rates to be applicable to prevailing rate employees other than prevailing rate employees of the Department of Defense on the basis of—

"(i) local private industry rates; and

"(ii) rates paid for comparable positions in private industry in the nearest wage area that such agency determines is most similar in the nature of its population, employment, manpower, and industry to the local wage area for which the wage survey is being made; and

"(B) establish the wage schedules and rates to be applicable to prevailing rate employees of the Department of Defense only on the basis of local private industry rates."

(b) The rate of pay payable to a prevailing rate employee employed by the Department of Defense on the day before the date of enactment of this Act may not be reduced by reason of the amendment made by subsection (a).

AMENDMENTS TO THE WALSH-HEALEY ACT AND THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Sec. 713. (a) Subsection (c) of the first section of the Act entitled "An Act to provide conditions for the purchase of supplies and

S 7540

CONGRESSIONAL RECORD — SENATE

June 5, 1985

the making of contracts by the United States; and for other purposes", approved June 30, 1936 (41 U.S.C. 35(c)), commonly known as the Walsh-Healey Act, is amended—

(1) by inserting "(1)" after the subsection designation "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) The provisions of paragraph (1) which limit work in excess of eight hours in any one day shall not apply in the case of a contract entered into by the Department of Defense."

(b)(1) Section 102 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 328) is amended—

(1) in subsection (a), by inserting "and except as provided in subsection (c)" after "Notwithstanding any other provision of law";

(2) in subsection (b), by striking out "The" at the beginning of such subsection and inserting in lieu thereof "Except as provided in subsection (c), the"; and

(3) by adding at the end thereof the following new subsection:

"(c)(1) The wages of every laborer and mechanic employed by a contractor or subcontractor to perform work under a contract awarded by the Department of Defense shall be computed on the basis of a standard workweek of forty hours, and work in excess of such standard workweek shall be compensated at a rate of not less than one and one-half times the basic rate of pay.

"(2) In the event of a violation of paragraph (1), the contractor and any subcontractor responsible for the violation shall be liable to the affected employee for the unpaid wages of the employee and shall, in addition, be liable to the United States for liquidated damages in the amount of \$50 for each week during which a laborer or mechanic was required or permitted to work in excess of forty hours without payment of the overtime wages required by paragraph (1)."

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1985, and shall apply to any contract entered into on or after such date.

PART C—MISCELLANEOUS COST SAVINGS PROVISIONS

REMOVAL OF RESTRICTIONS ON CONTRACTING OUT AUTHORITY

SEC. 721. Notwithstanding any other provision of law, the Secretary of Defense may contract for the performance of any service or activity by non-Government personnel if the Secretary determines that the performance of such service or activity by non-Government personnel would be cost effective and in the best interest of the national defense.

EMERGENCY BASE CLOSURE AND REALIGNMENT

SEC. 722. (a) Section 2687(a) of title 10, United States Code, is amended by inserting "and subject to section 2688 of this title" after "Notwithstanding any other provision of law".

(b)(1) Chapter 159 of title 10, United States Code, is amended by adding after section 2687 the following new section:

"§ 2688. Emergency Base Closures and Realignments

"(a)(1) If the budget submitted to the Congress by the President for any fiscal year (pursuant to section 1105 of title 31) reflects a budget deficit for such fiscal year and the Secretary of Defense satisfies the notification requirement set out in paragraph (2), the Secretary, during any 24-month period following the submission of such budget, may close or realign any military installation without regard to any

other provision of law that would prevent or delay such closing or realignment, including any restrictions on the disposal of specific real property and any restriction contained in any appropriation Act on the use of funds to close or realign any military installation.

"(2) In determining whether any military installation should be closed or realigned under the authority of this section, the Secretary of Defense shall specifically consider the following:

"(A) The mission requirements and the potential impact on the operational readiness of the military service concerned.

"(B) The adequacy and condition of facilities at the military installation to which personnel or equipment is to be transferred as a result of the planned base closure or realignment.

"(C) The potential of the proposed new location to accommodate contingency and future force requirements.

"(D) The capital investment in the military installation proposed to be closed or realigned.

"(E) The budgetary consequences of the proposed closing or realignment.

"(F) The estimated cost savings of the proposed closing or realignment and the time period over which such savings would be realized.

"(G) The economic impact on the area surrounding the military installation to be closed or realigned and on the area surrounding the proposed new location.

"(H) The environmental impact on the proposed new location and on the area surrounding such location.

"(I) The impact, if any, on the other military departments.

"(J) The time that will be required to achieve the closing or realignment, including any move of personnel or equipment to a new location.

"(3) Not later than 60 days before the date the Secretary of Defense takes any irrevocable action to effect or implement a closure or realignment of a military installation under paragraph (1), the Secretary shall notify the Congress of the plan to take such action. The Secretary shall include in the notification to the Congress an evaluation of the factors set forth in paragraph (2) with respect to the closing or realignment of the military installation.

"(b) The Secretary of Defense is authorized to design and construct such facilities as he determines are necessary to effect the closure or realignment of any military installation under the authority of this section and may use for the design and construction of such facilities any funds available to the Department of Defense for military construction at the military installation from which personnel or equipment is being moved as the result of the closure or realignment of that military installation.

"(c) In this section the terms 'military installation' and 'realignment' have the same meaning as provided in section 2687(d) of this title."

(2) The table of sections at the beginning of such subchapter is amended by adding after section 2687 the following new item:

"2688. Emergency base closures and realignments."

(b) There is authorized to be appropriated to the Department of Defense for fiscal years beginning after September 30, 1985, the sum of \$1,000,000,000 to carry out the provision of section 2688 of title 10, United States Code.

REIMBURSEMENTS TO CONTRACTOR

SEC. 723. Notwithstanding any other provision of law or of this Act—

(a)(1) If a contractor submits for reimbursement any cost, other than those costs covered by section 702(b)(1) of this Act, for which there is clear and convincing evidence that the cost has been defined as expressly unallowable by statute or regulation, the cost shall be disallowed and the contractor shall be liable to the United States for an amount equal to the amount of the disallowed cost, plus interest to be computed from the date on which the request for reimbursement of such cost was submitted until final settlement of the contract or until the claim for such cost is withdrawn, and at the applicable rate prescribed by the Secretary of the Treasury pursuant to Public Law 92-41 (85 Stat. 97).

(2) In the case of a payment by the government of any price which was increased by reason of the submission of inaccurate, incomplete, or noncurrent cost and pricing data, the contractor shall be liable to the United States for an amount equal to the amount that such price was increased, plus interest to be computed from the date the payment was made to the contractor to the date the government is repaid by the contractor at the applicable rate prescribed by the Secretary of the Treasury pursuant to Public Law 92-41 (85 Stat. 97).

(3) Section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168) is amended by striking out the third sentence in subsection (h)(1) and inserting in lieu thereof the following "Such interest shall be set at a rate established by the Secretary of the Treasury pursuant to Public Law 92-41. Such interest shall accrue from the time such payments were made to the contractor or subcontractor to the time such price adjustment is effected."

(b) This provision shall take effect for contracts entered into on and after the effective date of this Act.

TITLE VIII—NATIONAL DEFENSE STOCKPILE

AUTHORIZATION FOR DISPOSAL

SEC. 801. Effective on October 1, 1985, the President is authorized to dispose of the following quantities of materials currently held in the National Defense Stockpile in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), such quantities having been determined to be excess to the current requirements of the stockpile:

- (1) 13,415 short dry tons of celestite.
- (2) 1,352 carats of diamond industrial crushing bort.
- (3) 1,601,112 pounds of iodine.
- (4) 1,187 short dry tons of kyanite.
- (5) 1,807 short dry tons of manganese, chemical grade.
- (6) 15,902 pounds of mercuric oxide.
- (7) 159,623 flasks of mercury.
- (8) 181,374 pounds of mica, MB, stained and lower.
- (9) 53,189 pounds of mica, MF, first and second quality.
- (10) 2,022,051 pounds of mica, muscovite splittings.
- (11) 587,001 pounds of mica, phlogopite splittings.
- (12) 1,268,541 pounds of quartz crystals.
- (13) 504 short tons of rare earth.
- (14) 51,550 short tons of silicon carbide.
- (15) 991 short tons of talc block and lump.
- (16) 1,089 short tons of talc ground.
- (17) 6,479,350 pounds of thorium nitrate.
- (18) 124,374 long tons of tin.
- (19) 27,067,613 pounds of tungsten ores and concentrates.
- (20) 4,477 long tons of vegetable tannin, chestnut.
- (21) 82,464 long tons of vegetable tannin, quebracho.

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7541

DEPOSIT OF FUNDS ACCRUING FROM NAVAL
PETROLEUM RESERVES

SEC. 802. There shall be deposited into the National Defense Stockpile Transaction Fund, established under section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), 30 percent of all money accruing to the United States during fiscal year 1986 from lands in the naval petroleum and oil shale reserves (less amounts spent for exploration, development, and operation of those reserves and related expenses during that period). Moneys deposited in the Fund under this section shall be deemed to have been covered into the Fund under section 9(b) of such Act.

TITLE IX—GENERAL PROVISIONS

SPECIAL DEFENSE ACQUISITION FUND

SEC. 901. Section 138(g) of title 10, United States Code, is amended to read as follows: "(g) The size of the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.) may not exceed \$1,000,000,000."

LIMITED AUTHORITY TO EXCEED PERMANENT
CEILING ON UNITED STATES FORCES ASSIGNED
TO NATO

SEC. 902. Section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2575), is amended by adding at the end thereof the following new sentence: "The Secretary of Defense may exceed such permanent ceiling in any year by a number equal to not more than ½ of 1 percent for the purpose of achieving sound management in the rotation of members of the Armed Forces of the United States to and from assignment to permanent duty ashore in European member nations of NATO, but only if the Secretary determines that the increase in such year is necessary for such purpose."

PROHIBITION ON INCLUDING GENERAL AND ADMINISTRATIVE OVERHEAD EXPENSES IN THE
COMPUTATION OF CONTRACTOR PROFITS

SEC. 903. (a) The Secretary of Defense shall advise the Committees on Armed Services of the Senate and the House of Representatives in writing, within 60 days after the date of the enactment of this Act, of his views regarding the desirability and advisability of legislation or regulations that would prohibit, in the case of any contract awarded by the Department of Defense under other than competitive procedures (as defined in section 2304(c) of title 10, United States Code), the inclusion of any actual or imputed general and administrative expenses of the contractor in the total cost to which a percentage is applied in order to calculate anticipated profit to be earned by the contractor.

(b) In the event he favors such a prohibition, the Secretary shall indicate, in his views submitted to the committees under subsection (a), the desirability and advisability of including in legislation or regulations imposing such a prohibition authority to waive the prohibition in particular cases if necessary to avoid inequitable economic hardship or if necessary for other expressly stated reasons.

LIMITATION ON USE OF FUNDS FOR CONDUCTING
POLYGRAPH EXAMINATIONS; REPORT

SEC. 904. (a) None of the funds appropriated pursuant to an authorization of appropriations contained in this or any other Act may be used for the purpose of implementing paragraphs D.8 and 9, D.12.b and g, D.13.c, and E.1.g of Department of Defense Directive 5210.48, dated December 24, 1984, relating to polygraph examinations and examiners, except for the continuation of the test program authorized by section 1307 of

the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2613). The total number of persons examined under the test program in fiscal years 1985 and 1986 may not exceed 3,500.

(b) Not later than December 31, 1986, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of polygraph examinations administered by or for the Department of Defense during the fiscal year 1986. The report shall include (A) the number of polygraph examinations conducted, (B) a description of the purposes and results of such examinations, (C) a description of the criteria used for selecting programs and individuals for examination, (D) the number of persons who refused to submit to the examination, (E) a description of the actions taken, including denial of clearance or other adverse action, when an individual either failed or refused to take the examination, (F) an explanation of the uses made of the results of the examinations, and (G) a detailed accounting of those cases in which more than two examinations were needed to attempt to resolve discrepancies.

(c)(1) The Secretary of Defense shall establish a continuing polygraph research program to support polygraph activities within the Department of Defense. The research program shall include evaluation of the validity of polygraph techniques used by the Department, polygraph countermeasures and anti-countermeasures, and developmental research on polygraph techniques, instrumentation, and analytic methods.

(2) The Secretary of Defense shall report annually the results of the polygraph research program referred to in paragraph (1) to the Committees on Armed Services of the Senate and the House of Representatives, and the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1986 in the amount of \$590,000 to carry out the continuing research program referred to in paragraph (1).

(d) This section does not apply—

(1) in the case of any individual assigned to, or detailed to, the Central Intelligence Agency or to any expert or consultant under a contract with the Central Intelligence Agency;

(2) in the case of any individual employed by, assigned to, or detailed to, the National Security Agency, any expert or consultant under a contract with the National Security Agency, any employee of a contractor of the National Security Agency, or any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored; or

(3) in the case of any individual applying for a position in the National Security Agency.

(e) The provision of subsection (a) shall expire on September 30, 1986.

RESTRICTIONS ON CONTRACTING FOR
EDUCATIONAL SERVICES

SEC. 905. (a) No solicitation, contract, or agreement for the provision of off-duty postsecondary education services for members of the Armed Forces of the United States, civilian employees of the Department of Defense, or the dependents of such members or employees may discriminate against or preclude any accredited academic institution authorized to award one or more associate degrees from offering courses within its lawful scope of authority solely

on the basis of such institution's lack of authority to award a baccalaureate degree.

(b) No solicitation, contract, or agreement for the provision of off-duty postsecondary education services for members of the Armed Forces of the United States, civilian employees of the Department of Defense, or the dependents of such members or employees may limit the offering of such services or any group, category, or level of courses to a single academic institution, except that nothing in this section shall restrict the ability of duly constituted personnel at the military installation level to take such actions as may be necessary to avoid unnecessary duplication of offerings, consistent with the purpose of this provision of ensuring the availability of alternative offerors of such services to the maximum extent feasible.

(c) The provisions of this section shall apply to services referred to in subsections (a) and (b) that are provided after September 1, 1985, except that such provisions shall not apply to contracts for services entered into before April 1, 1985.

(d) Nothing in this section shall be construed to require more than one academic institution to be authorized to offer courses aboard a particular naval vessel.

(e) (1) The Comptroller General of the United States shall carry out a study to determine (A) the educational needs of members of the Armed Forces of the United States and civilian employees of the Department of Defense stationed outside the United States and the educational needs of the dependents of such members and employees, (B) the most effective and feasible means of meeting such needs, and (C) the cost of providing such means.

(2) Not later than September 1, 1986, the Comptroller General shall transmit to the Congress a report on the study required by subsection (1). The report shall include the Comptroller General's findings and such recommendations for legislation as the Comptroller General considers appropriate.

ANNUAL REPORT ON SOVIET COMPLIANCE WITH
ARMS CONTROL COMMITMENTS

SEC. 906. Not later than December 1, 1985, and not later than December 1 of each year thereafter, the President shall submit to the Congress a report containing an update (since the most recent report to the Congress on the subject) of the President's findings regarding the Soviet Union's compliance with its arms control commitments, together with such additional information regarding the Soviet Union's compliance with its arms control commitments as may be necessary to keep the Congress currently informed on such matter. The President shall submit classified and unclassified versions of such report to the Congress each year.

REPORT ON USE OF INDEPENDENT COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 907. Not later than April 1, 1986, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the continued use of independent cost estimates in the planning, programming, budgeting, and selection process for major defense acquisition programs in the Department of Defense. Such report shall be a follow-on to the report required by section 1203(c) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 10 U.S.C. 1039 note), and shall include an overall assessment of the extent to which such estimates were adopted by the Department of Defense in making decisions on the fiscal year 1987 budget and a general explanation of why such estimates might have been

S 7542

CONGRESSIONAL RECORD — SENATE

June 5, 1985

modified or rejected. The Secretary shall also include in the report a statement as to whether adequate personnel and financial resources have been allocated at all levels of the Department of Defense to those organizations or offices charged with developing or assessing independent estimates of the costs of major defense acquisition programs.

EXTENSION OF REPORTING DATES FOR THE COMMISSION ON MERCHANT MARINE AND DEFENSE

Sec. 908. Section 1536 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2633), is amended—

(1) in subsections (b) and (g), by striking out "1985" and "1986" each place they appear and inserting in lieu thereof "1986" and "1987", respectively; and

(2) in subsection (i), by striking out "1985", "1986", and "1987" each place they appear and inserting in lieu thereof "1986", "1987", and "1988", respectively.

TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE

Sec. 909. (a) The Congress finds that the programs and activities of the Department of Defense could be more effectively and efficiently planned and managed if funds for the Department were provided on a two-year cycle rather than annually.

(b) The President shall include in the budget submitted to the Congress pursuant to section 1105 of title 31, United States Code, for fiscal year 1988 a single proposed budget for the Department of Defense and related agencies for fiscal years 1988 and 1989. Thereafter, the President shall submit a proposed two-year budget for the Department of Defense and related agencies every other year.

(c) Not later than July 1, 1986, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report containing the Secretary's views on the following:

(1) The advantages and disadvantages of operating the Department of Defense and related agencies on a two-year budget cycle.

(2) The Secretary's plans for converting to a two-year budget cycle.

(3) A description of any impediments, statutory or otherwise, to converting the operations of the Department of Defense and related agencies to a two-year budget cycle beginning with fiscal year 1988.

CONTINUED OPERATION BY THE SECRETARY OF DEFENSE OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM

Sec. 910. (a)(1) Subsection (e) of section 202, sections 208 and 302, and subsection (f) of section 401 of the Department of Education Organization Act (20 U.S.C. 3412(e), 3418, 3442, and 3461(f)) are repealed.

(2) Section 419(a) of such Act (20 U.S.C. 3479(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)"; and

(B) by striking out paragraph (2).

(3) Section 503(a) of such Act (20 U.S.C. 3503(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)"; and

(B) by striking out paragraph (2).

(4) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 208 and 302.

(5) Section 414(b) of such Act (20 U.S.C. 3474(b)) is amended by striking out "302."

(b)(1) Section 1402 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of Defense shall consult with the Secretary of Education on the educational programs and practices of the defense dependents' education system."

(2)(A) Paragraph (1) of section 1410(a) of such Act (20 U.S.C. 928(a)(1)) is amended by adding at the end thereof the following new sentences: "The membership of each such advisory committee shall also include one person to represent the interests of the organization recognized as the exclusive bargaining representative of the employees of the school. Such person shall be designated by the appropriate organization and shall be a nonvoting member of the committee."

(B) Subsection (c) of section 1410 of such Act is amended by striking out "Members" and inserting in lieu thereof "Except in the case of a nonvoting member provided for under subsection (a)(1), members".

(3) The second sentence of section 1410(b) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 928(c)) is amended by striking out "The Secretary of Education, in consultation with the Secretary of Defense," and inserting in lieu thereof "The Secretary of Defense".

(4)(A) Subsection (a) of section 1411 of such Act (20 U.S.C. 929) is amended to read as follows:

"(a)(1) There is established in the Department of Defense Advisory Council on Dependents' Education (hereinafter in this section referred to as the 'Council'). The Council shall be composed of—

"(A) the Secretary of Defense and the Secretary of Education, or their respective designees;

"(B) twelve individuals appointed jointly by the Secretary of Defense and the Secretary of Education who shall be individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, and parents of students enrolled in the defense dependents' education system and one student enrolled in such system; and

"(C) a representative of the Secretary of Defense and of the Secretary of Education.

"(2) Individuals appointed to the Council from professional employee organizations shall be individuals designated by such organizations.

"(3) The Secretary of Defense, or his designee, and the Secretary of Education, or his designee, shall serve as cochairmen of the Council.

"(4) The Director shall be the Executive Secretary of the Council."

(5) Subsection (b)(1) of such section is amended by inserting "the Secretary of Defense and" before "the Secretary of Education".

(6) Subsection (c) of such section is amended—

(A) by striking out "at least four times each year" and inserting in lieu thereof "at least two times each year";

(B) by striking out clause (2);

(C) by redesignating clauses (3), (4), and (5) as clauses (2), (3), and (4), respectively; and

(D) by striking out "Secretary of Education" in clause (4) (as redesignated in clause (3) of this subsection) and inserting in lieu thereof "Secretary of Defense".

(c) Section 5316 of title 5, United States Code, is amended by striking out "Administrator of Education for Overseas Dependents, Department of Education."

EXTENSION AND EXPANSION OF AUTHORITY OF THE SECRETARY OF DEFENSE TO TRANSPORT HUMANITARIAN RELIEF SUPPLIES TO CERTAIN COUNTRIES

Sec. 911. (a) Section 1540(a) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2637), is amended—

(1) by striking out "fiscal year 1985" and inserting in lieu thereof "fiscal years 1985 and 1986"; and

(2) by striking out "Central America" and inserting in lieu thereof "any area of the world".

(b) The heading of section 1540 of such Act is amended to read as follows:

"AUTHORIZATION FOR SECRETARY OF DEFENSE TO TRANSPORT HUMANITARIAN RELIEF SUPPLIES TO FOREIGN COUNTRIES".

INDUSTRIAL FUND CAPITALIZATION PROGRAM

Sec. 912. Section 2208(j) of title 10, United States Code, is amended by striking out "not less than 4 percent during fiscal year 1986, and not less than 5 percent during fiscal year 1987".

IMPLICATIONS ON THE STRATEGIC DEFENSE INITIATIVE

Sec. 913. (a) The Congress finds—

(1) that the President's Commission on Strategic Forces declared in its report to the President, dated March 21, 1984, that "One of the most successful arms control agreements is the Anti-Ballistic Missile Treaty of 1972"; and

(2) that the Secretary of State has stated that the "ABM Treaty requires consultations, and the President has explicitly recognized that any ABM-related deployments arising from research into ballistic missile defenses would be a matter for consultations and negotiation between the Parties".

(b) The Congress, therefore, declares—

(1) that it fully supports the declared policy of the President that a principal objective of the United States in negotiations with the Soviet Union on nuclear and space arms is to reverse the erosion of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed on May 26, 1972; and

(2) that action by the Congress in approving funds for research on the Strategic Defense Initiative does not express or imply an intention on the part of the Congress that the United States should abrogate, violate, or otherwise erode such treaty, and does not express or imply any determination or commitment on the part of the Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry that would contravene such treaty.

SPECIAL FOREIGN CURRENCY PROGRAM

Sec. 914. Funds are hereby authorized to be appropriated for fiscal year 1986 in the amount of \$2,100,000 for the purchase of foreign currencies from the Treasury Department to pay expenses incurred in carrying out programs of the Department of Defense.

RESTRICTION ON THE USE OF FUNDS FOR THE B-1B BOMBER AIRCRAFT PROGRAM

Sec. 915. None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended for the conduct of research, design, demonstration, development, or procurement of more than 100 B-1B bomber aircraft (including any derivative or modified version of such aircraft).

REQUIREMENT FOR SPECIFIC AUTHORIZATION FOR DEPLOYMENT OF STRATEGIC DEFENSE INITIATIVE SYSTEM

Sec. 916. A strategic defense system developed as a consequence of research, development, test, and evaluation conducted on the Strategic Defense Initiative program may not be deployed in whole or in part unless—

(1) the President determines and certifies to the Congress in writing that the system is—

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7543

(A) survivable, that is it must be able to maintain a sufficient degree of effectiveness to fulfill its mission, even in the face of determined attacks against it; and

(B) cost effective at the margin to the extent that it must be able to maintain its effectiveness against the offense at less cost than it would take to develop offensive countermeasures and proliferate the ballistic missiles necessary to overcome it; and

(2) funding for the deployment of such system has been specifically authorized by legislation enacted after the date on which the President makes the certification to the Congress.

ARMED SERVICES NATIONAL SCIENCE CENTER FOR COMMUNICATIONS AND ELECTRONICS

Sec. 917. (a) The Congress hereby finds—

(1) that scientific and technological developments in communications and electronics are of particular importance to the United States in meeting its national security, industrial, and other needs;

(2) that enhanced training in the technical communications, electronics, and computer disciplines is necessary for a more efficient and effective military force;

(3) that the Secretary of the Army, through the Training and Doctrine Command, is responsible for providing training to members of the Army;

(4) that the Ninety-seventh Congress, in Senate Concurrent Resolution 130 of that Congress, encouraged the establishment within the United States of a national center dedicated to communications and electronics;

(5) that the Secretary of the Army entered into a Memorandum of Understanding with the National Science Center for Communications and Electronics Foundation Incorporated, a nonprofit corporation of the State of Georgia, in which the Army and such foundation agreed to develop a science center for (A) the promotion of engineering principles and practices, (3) the advancement of scientific education for careers in communications and electronics, and (C) the portrayal of the communications, electronics, and computer arts.

(b) It is the purpose of this section to recognize the relationship between the Army and the National Science Center for Communications and Electronics Foundation Incorporated (hereinafter in this section referred to as the "Foundation") for the development, construction, and operation of a national science center and to authorize the Secretary of the Army (hereinafter in this section referred to as the "Secretary") to make available a suitable site for the construction of such a center, to accept title to the center facilities when constructed, and to provide for the management, operation, and maintenance of such a center after the transfer of title of the center to the Secretary.

(c)(1) Subject to paragraph (2), the Secretary may provide a suitable parcel of land at or near Fort Gordon, Georgia, for the construction of an armed services national science center by the Foundation to meet the objectives expressed in subsection (a). Upon completion of the construction of the center the Secretary may accept title to the center and may provide for the management, operation, and maintenance of such center out of funds appropriated to the Army for such purpose.

(2) As a condition to making a parcel of land available to the Foundation for the construction of a national science center, the Secretary shall have the right to approve the design of the center, including all plans, specifications, contracts, sites, and materials to be used in the construction of such center and all rights-of-way, ease-

ments, and rights of ingress and egress for the center. The Secretary's approval of the design and plans shall be based on good business practices and accepted engineering principles taking into consideration safety and other appropriate factors.

(d) The Secretary may accept conditional or unconditional gifts made for the benefit of, or in connection with the center.

(e) The Secretary may appoint an advisory board to advise the Secretary regarding the operation of the center in pursuit of the goals of the center described in subsection (a). The Secretary may appoint to the advisory board such members of the board of directors of the Foundation as he considers appropriate. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board appointed under this subsection.

(f) Consistent with the mission of the armed services and the efficient operation of the center, the Secretary may make facilities at the center available to the Foundation for its corporate activities and for such endeavors in the area of communications and electronics as the Secretary may consider appropriate.

(g)(1) The Secretary may make the center available to the public and to other departments and agencies of the Government for research and study and for public exhibitions. The Secretary may charge for such uses as he considers necessary and appropriate.

(2) Any money collected for the use of the facilities of the center shall be deposited to a special fund maintained by the Secretary for the maintenance and operation of the center. The Secretary shall require the Auditor General of the Army to audit the records of such fund at least once every two years and to report the results of the audits to the Secretary.

STUDY OF IMPACT OF FOREIGN EXPORT SUBSIDIES ON THE DEFENSE INDUSTRIAL BASE OF THE UNITED STATES

Sec. 918. The Secretary of Defense shall conduct a study regarding the effects that foreign export subsidies have had on the defense industrial base of the United States. The Secretary shall submit a report containing the results of the study to the Congress not later than April 1, 1986, and shall include in such report—

(1) a compilation of the number and type of contracts awarded by the Department of Defense in fiscal year 1984, fiscal year 1985, and the first six months of fiscal year 1986 on which United States firms bid but which were awarded by the Department of Defense to foreign firms;

(2) whether, in the case of each such contract, a subsidy (as defined in section 1677(5) of the Tariff Act of 1930) was provided in connection with the commodity purchased under the contract and, if so, a description of the subsidy, including the type and amount of the subsidy;

(3) identification of those segments of United States industry adversely affected by the loss of the contracts referred to in clause (1) and the consequences that the loss of such contracts has had on the defense industrial base of the United States; and

(4) such recommendations for legislative and administrative action as the Secretary considers necessary or appropriate to correct any detrimental impact that subsidized exports have on the defense industrial base of the United States, to include an evaluation of the impact of such recommendations on other United States foreign policy objectives such as the goal of improving cooperative weapons development and standardization in the North Atlantic Treaty Organization.

AUTHORITY OF THE SECRETARY OF DEFENSE TO ENROLL CERTAIN PERSONS IN OVERSEAS SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM

Sec. 919. (a) The Secretary of Defense may, under such regulations as he shall prescribe, permit to be enrolled in schools of the defense dependents' education system, in addition to children authorized to be enrolled in such system under the Defense Dependents' Education Act (20 U.S.C. 921 et seq.), children of employees of the Federal Government stationed outside the United States, children of employees of contractors employed in carrying out work for the Federal Government outside the United States, children of employees of nonappropriated fund activities of the Department of Defense, and, if the Secretary determines such action to be in the national interest, children of other citizens or nationals of the United States or of foreign nationals.

(b) Any child permitted to enroll in a school of the defense dependents' education system under this section shall be required to pay tuition at a rate determined by the Secretary of Defense, which shall not be less than the rate necessary to defray the average cost of the enrollment of children in the system under the Defense Dependents' Education Act of 1976 (20 U.S.C. 921 et seq.).

ANNUAL SELECTED ACQUISITION REPORTS

Sec. 920. (a) Subsection (c) of section 139a of title 10, United States Code, is amended to read as follows:

"(c)(1) Each Selected Acquisition Report for the first quarter for a fiscal year shall include—

"(A) the same information, in detailed and summarized form, as is provided in reports submitted under section 139 of this title;

"(3) the current program acquisition unit cost for each major defense acquisition program included in the report and the history of that cost from the date the program was first included in a Selected Acquisition Report to the end of the quarter for which the current report is submitted; and

(C) such other information as the Secretary of Defense considers appropriate.

"(2) Each Selected Acquisition Report for the first quarter of a fiscal year shall be prepared and submitted in the same format and with the same content as was used for the Selected Acquisition Report for the first quarter of fiscal year 1984.

"(3) In addition to the material required by paragraphs (1) and (2), each Selected Acquisition Report for the first quarter of a fiscal year shall include—

"(A) a full life-cycle cost analysis for each major defense acquisition program included in the report which is in or has completed full-scale engineering development and which was first included in a Selected Acquisition Report for a quarter after the first quarter of fiscal year 1985;

"(B) if the system that is included in a major defense acquisition program described in clause (A) has an antecedent system, a full life-cycle cost analysis for that antecedent system; and

"(C) production information, including but not limited to—

"(i) a baseline annual production rate planned for the system through the projected termination of the procurement;

"(ii) cost and schedule variances caused by departure from the annual baseline production if the annual budget submission varies from the baseline;

"(iii) the annual production capacity provided with the facilities and tooling programmed for procurement in the program

or otherwise provided by Government funds;

"(iv) the annual production rates assumed in the cost-effectiveness analysis presented at the time the Secretary of Defense authorized the military service component to proceed with full-scale development of the program; and

"(v) the cost savings projected to be available if the program submitted in the annual budget submission was procured at the annual production rate identified at the time the Secretary of Defense authorized the military service component to proceed with full-scale development of the program.

"(4) Selected Acquisition Reports for the first quarter of a fiscal year shall be known as comprehensive annual Selected Acquisition Reports."

(b)(1) The Secretary of Defense shall resubmit to Congress the Selected Acquisition Reports required by section 139a of title 10, United States Code, for the first quarter of fiscal year 1985. The reports as resubmitted shall be in the format and with the content required by paragraph (2) of section 139a(c) of such title, as added by subsection (a).

(2) Such reports shall be submitted not later than 30 days after the date of the enactment of this Act.

PROHIBITION AGAINST USING FUNDS APPROPRIATED FOR THE ADVANCED TECHNOLOGY BOMBER AND THE ADVANCED CRUISE MISSILE PROGRAMS FOR ANY OTHER PURPOSE

Sec. 921. (a) It is the sense of Congress that—

(1) the capabilities inherent in the technologies associated with the Advanced Technology Bomber program and the Advanced Cruise Missile program are a critical national security asset for maintaining an adequate and credible deterrent posture;

(2) such technologies and programs should be developed as rapidly as feasible in order to produce and deploy advanced systems which will complicate the military planning of the Soviet Union and as a consequence enhance the deterrent posture of the United States;

(3) such technologies and programs should be funded at the levels authorized in this Act; and

(4) all the funds appropriated for such programs should be fully used for such programs.

(b) None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program or the Advanced Cruise Missile program may be used for any other purpose.

(c) It is the sense of the Congress that, consistent with the stated policy of the Department of Defense, the B-1B bomber aircraft procurement program should be terminated after acquisition under such program of 100 aircraft.

REPORT ON FEASIBILITY OF DRUG TESTING PROSPECTIVE RECRUITS

Sec. 922. (a) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than October 1, 1985, a report on the feasibility of implementing a program designed to detect drug use by persons who have been accepted for entry into the Armed Forces but who have not become members of the Armed Forces.

(b) The Secretary shall include in the report required by subsection (a)—

(1) an explanation of how such a program would operate;

(2) the Secretary's assessment of the value of such a program;

(3) a discussion of any problems that might complicate the administration of such a program;

(4) the advantages and disadvantages of instituting such a program;

(5) an estimate of any savings that the United States might realize by detecting illegal drug use by a person before such person becomes a member of the Armed Forces; and

(6) such recommendations for legislation as the Secretary considers necessary or appropriate to establish such a program.

AUTHORITY TO LEASE AIR FORCE HELICOPTERS TO THE STATE OF CALIFORNIA

Sec. 923. Notwithstanding any other provision of this or any other Act, the Secretary of the Air Force may lease not more than 12 UH-F1 helicopters to the Department of Forestry of the State of California for the purposes of fighting forest fires, search and rescue missions, and vegetation control activities. The lease of helicopters under this section shall be made subject to such terms and conditions as the Secretary considers fair and reasonable and necessary to protect the interests of the United States.

STUDY TO EVALUATE THE IMPACT OF LOSS OF PRODUCTION CAPACITY OF CRITICAL FERROALLOY PRODUCTS

Sec. 924. (a) Recognizing the vital role that ferroalloy products have in industries crucial to the national defense, the Department of Defense shall undertake a study to determine what effect the loss of all domestic ferroalloys production capacity would have on the defense industrial base and on industrial preparedness.

(b) Such study shall include an evaluation of the impact of loss of production capacity for ferrochrome, ferro-manganese, ferrosilicon (all grades), silicon manganese, chromium metal, and other militarily critical ferroalloy products. The study shall be conducted by the Undersecretary for Defense Policy in cooperation with the Federal Emergency Management Agency and the Department of the Interior. A report of the findings shall be made to the Congress within 180 days after enactment of this statute and shall, to the extent possible, be unclassified.

SENSE OF SENATE RELATING TO UNITED STATES-SOVIET NEGOTIATIONS ON REDUCTIONS IN NUCLEAR ARMS

Sec. 925. Since relations between the United States and the Union of Soviet Socialist Republics are currently characterized by considerable tension

Since the strategic (START) and intermediate-range nuclear force (INF) reduction negotiations did not achieve satisfactory results, and in the new negotiations on nuclear and space arms the positions of the two parties remain far apart;

Since a carefully prepared summit could facilitate the accomplishment of the objectives of these negotiations and lead to a reduction in the risk of nuclear war;

Since a carefully prepared summit could also lead to progress in resolving other major issues troubling relations between the two superpowers;

Since both President Reagan and Soviet General Secretary Gorbachev have indicated their willingness in principle to participate in such a carefully prepared summit;

It is the sense of the Senate that the President of the United States and the President of the Union of Soviet Socialist Republics should meet at the earliest practical time following thorough preparation to discuss major issues in United States-Soviet relations and to work for the realization of mutual equitable and verifiable reductions in nuclear arms.

MILITARY FAMILY ACT OF 1985

Sec. 926. (a) SHORT TITLE.—This section may be cited as the "Military Family Act of 1985".

(b) OFFICE OF FAMILY POLICY.—(1) There is hereby established in the Office of the Secretary of Defense an Office of Family Policy. The office shall be under the Assistant Secretary of Defense for Manpower, Installations, and Logistics.

(2) The office shall coordinate programs and activities of the military departments to the extent that they relate to military families and shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

(3) The office shall have not less than 5 professional staff members. The staff of the office shall be in addition to any statutory or administrative limit on the number of employees that may be assigned or detailed to the Office of the Secretary of Defense.

(c) TRANSFER OF MILITARY FAMILY RESOURCES CENTER.—The Military Family Resource Center of the Department of Defense is hereby transferred from the Office of the Assistant Secretary of Defense for Health Affairs to the Office of the Assistant Secretary for Manpower, Installations, and Logistics.

(d) PREFERENCE IN DEPARTMENT OF DEFENSE CIVIL SERVICE POSITIONS.—(1) The Secretary of Defense shall provide that spouses of members of the Armed Forces be given preference in hiring for any position in the Department of Defense above grade GS-7 (or the equivalent) if the spouse is among those determined to be best qualified for the position.

(2) A spouse of a member of the Armed Forces may not, by reason of paragraph (1), be given preference in hiring over an individual who is a preference eligible.

(3) CONDITIONS FOR PREFERENCE.—(A) Preferential hiring under this subsection for the spouse or other dependent of a member of the Armed Forces—

(i) shall be accorded only for positions in the same geographic area as the area within which the permanent duty station of the member is located; and

(ii) shall terminate as of the date on which such spouse or other dependent is appointed to a position referred to in paragraph (1).

(B) Preferential hiring under this subsection for an individual who has previously received a preferential appointment under paragraph (1) shall be restored if such individual subsequently relocates to another geographic area pursuant to a change in the permanent duty station of the member involved.

(4) The Director of the Office of Personnel Management shall prescribe regulations necessary to carry out this subsection after appropriate consultation with the Secretary of Defense.

(e) OPERATION OF CHILD-CARE FACILITIES.—The Secretary of Defense shall provide that child-care facilities that are operated by the Department of Defense on military installations be operated on a 24-hour-a-day basis when necessary to meet mission requirements.

(f) REPORT ON EMPLOYMENT OF SPOUSES IN CHILD-CARE FACILITIES.—Not later than one year after the date of the enactment of the Act, the Secretary shall submit a report to Congress making recommendations for ways to improve opportunities for spouses of members of the Armed Forces to obtain employment at child-care facilities. Such recommendations shall address both hiring practices at child-care facilities operated by the Department of Defense and training programs for spouses.

(g) YOUTH SPONSORSHIP PROGRAM.—(1) The Secretary of Defense shall direct that there be established at each military instal-

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7545

lation a youth sponsorship program to facilitate the integration of dependent children of members of the Armed Forces into new surroundings when moving to that military installation as a result of a parent's permanent change of station.

(2) Such a program shall provide, to the extent feasible, for involvement of dependent children of members presently stationed at the military installation.

(h) **STUDY ON NEED FOR ASSISTANCE TO DEPENDENTS ENTERING NEW SECONDARY SCHOOLS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report which makes recommendations for any administrative and legislative changes necessary to assist families of members of the Armed Forces making permanent change of station so that a dependent child who transfers between secondary schools with different graduation requirements does not undergo unnecessary disruptions in education or have inequitable or unduly burdensome or duplicative education requirements imposed.

PROHIBITION ON CIVIL SERVICE EMPLOYMENT OR PERSONS WHO FAILED TO REGISTER UNDER THE MILITARY SELECTIVE SERVICE ACT

Sec. 927. (a) Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 3328. Selective Service registration

"(a) Any individual who was born after December 31, 1959, and is or was required to register under section 3 of the Military Selective Service Act (50 U.S.C. App. 453) and who is not so registered or did not so register before the requirement terminated or became inapplicable to the individual shall be ineligible for appointment to a position in an executive agency of the Federal Government.

"(b) The Office of Personnel Management, in consultation with the Director of the Selective Service System, shall prescribe regulations to carry out this section."

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3327 the following new item:

"3328. Selective Service registration."

PRISONER OF WAR MEDAL

Sec. 928. (a)(1)(A) chapter 357 of title 10, United States Code, is amended by inserting after section 3743 a new section as follows:

"§ 3743a. Prisoner of war medal: award

"The President may award a prisoner of war medal of appropriate design, with ribbons and appurtenances, to any person who, while serving in any capacity with the Army, has been taken prisoner and held by a hostile opposing armed force—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

(B)(i) Section 3744(a) of such title is amended by striking out "or distinguished-service medal" and inserting in lieu thereof "distinguished-service medal, or prisoner of war medal".

(ii) Subsections (b), (c), and (d) of section 3744 of such title are each amended by inserting "prisoner of war medal," after "distinguished-service medal."

(iii) The catchline of such section is amended by striking out the colon after "distinguished-service medal" and inserting

in lieu thereof a semicolon and the following: "prisoner of war medal".

(C)(i) Section 3745 of such title is amended by striking out "and distinguished-service medal," and inserting in lieu thereof "distinguished-service medal, and prisoner of war medal".

(ii) The catchline of such section is amended by striking out the colon after "distinguished-service medal" and inserting in lieu thereof a semicolon and the following: "prisoner of war medal".

(D)(i) Section 3747 of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal".

(ii) The catchline of such section is amended by inserting "prisoner of war medal;" after "distinguished-service medal".

(E)(i) Section 3748 of such title is amended by inserting "3743a," after "3743."

(ii) The catchline of such section is amended by inserting "prisoner of war medal;" after "distinguished-service medal".

(F) Section 3752(a) of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal".

(2) The table of sections at the beginning of such chapter is amended—

(A) by striking out the items relating to sections 3744 and 3745 and inserting in lieu thereof the following:

"3743a. Prisoner of war medal: award.

"3744. Medal of honor; distinguished-service cross; distinguished-service medal; prisoner of war medal: limitation on award.

"3745. Medal of honor; distinguished-service cross; distinguished-service medal; prisoner of war medal: delegation of power to award."; and

(B) by striking out the items relating to section 3747 and 3748 and inserting in lieu thereof the following:

"3747. Medal of honor; distinguished-service cross; distinguished-service medal; prisoner of war medal; silver star: replacement.

"3748. Medal of honor; distinguished-service cross; distinguished-service medal; prisoner of war medal; silver star: availability of appropriations."

(b)(1)(A) Chapter 567 of title 10, United States Code, is amended by inserting after section 6243 a new section as follows:

"§ 6243a. Prisoner of war medal

"The President may award a prisoner of war medal of appropriate design, with ribbons and appurtenances, to any person who, while serving in any capacity with the Navy or Marine Corps, has been taken prisoner and held captive by a hostile opposing armed force—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

(B) Section 6247 of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal".

(C) Subsections (a) and (b) of section 6248 of such title are each amended by inserting "prisoner of war medal," after "distinguished-service medal".

(D) Section 6251 of such title is amended by inserting "the prisoner of war medal," after "the distinguished-service medal".

(E) Section 6253 of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal".

(F) Section 6254 of such title is amended by inserting "prisoner of war medals," after "distinguished-service medals".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6243 the following:

"6243a. Prisoner of war medal."

(C)(1)(A) Chapter 857 of title 10, United States Code, is amended by inserting after section 8743 the following new section:

"§ 8743a. Prisoner of war medal: award

"The President may award a prisoner of war medal of appropriate design, with accompanying ribbons and appurtenances, to any person who, while serving in any capacity with the Air Force, has been taken prisoner and held captive by a hostile opposing armed force—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

(3)(i) Section 8744(a) of such title is amended by striking out "or distinguished-service medal" and inserting in lieu thereof, "distinguished-service medal, or prisoner of war medal".

(ii) Subsections (b), (c), and (d) of section 8744 of such title are each amended by inserting "prisoner of war medal," after "distinguished-service medal".

(iii) The catchline of such section is amended by striking out the colon after "distinguished-service medal" and inserting in lieu thereof a semicolon and the following: "prisoner of war medal".

(C)(i) Section 8745 of such title is amended by striking out "and distinguished-service medal," and inserting in lieu thereof "distinguished-service medal, and prisoner of war medal".

(ii) The catchline of such section is amended by striking out the colon after "distinguished-service medal" and inserting in lieu thereof a semicolon and the following: "prisoner of war medal".

(D)(i) Section 8747 of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal".

(ii) The catchline of such section is amended by inserting "prisoner of war medal;" after "distinguished-service medal".

(E)(i) Section 8748 of such title is amended by inserting "8743a," after "8743."

(ii) The catchline of such section is amended by inserting "prisoner of war medal;" after "distinguished-service medal".

(F) Section 8752(a) of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal".

(2) The table of sections at the beginning of such chapter is amended—

(A) by striking out the items relating to sections 8744 and 8745 and inserting in lieu thereof the following:

"8743a. Prisoner of war medal: award.

"8744. Medal of honor; Air Force cross; distinguished-service medal; prisoner of war medal: limitation on award.

"8745. Medal of honor; Air Force cross; distinguished-service medal; prisoner of war medal: delegation of power to award."; and

(B) by striking out the items relating to sections 8747 and 8748 and inserting in lieu thereof the following:

"8747. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; prisoner of war medal; silver star; replacement.

"8748. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; prisoner of war medal; silver star; availability of appropriations."

(d) The time limitations applicable to the prisoner of war medal prescribed by sections 3744(b), 6248(a), and 8744(b) of title 10, United States Code (as amended by subsection (a)(1)(3)(ii), subsection (b)(1)(C), or subsection (c)(1)(B)(ii)), shall not begin to run until the date of enactment of this Act in the case of any member or former member of the Armed Forces of the United States captured and held captive by an enemy force on or after April 6, 1917, and released from prisoner of war status prior to the date of enactment of this Act.

POSTAGE STAMP COMMEMORATING THE 350TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED STATES NATIONAL GUARD

SEC. 929. It is the sense of the Senate that in 1986, the United States Postal Service should issue a postage stamp commemorating the 350th anniversary of the establishment of the United States National Guard.

REPORT ON EXCESS FUNDS

SEC. 930. Not later than 30 days after the date of the enactment of this Act and within 30 days after the end of each quarter thereafter, beginning with the first quarter which begins after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an estimate of the amount of funds in each Department of Defense appropriations account that, at the time of the report, is available for obligation and is in excess of the amount needed to carry out the program for which the funds were appropriated. The estimate shall include amounts attributable to inflation savings, foreign currency savings, excess working capital fund cash, and all other savings. This report shall also identify unanticipated cost increases resulting from adverse economic trends.

MILITARY COOPERATION INFORMATION PROGRAMS FOR CIVILIAN LAW ENFORCEMENT OFFICIALS

SEC. 931. (a) Section 373 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The"; and
(2) by adding at the end thereof the following new subsections:

"(b)(1) At least once each year, the Attorney General of the United States, in consultation with the Secretary of Defense, shall conduct a briefing of law enforcement personnel of each State, including law enforcement personnel of the political subdivisions of each State, regarding information, training, technical assistance, and equipment and facilities available to civilian law enforcement personnel from the Department of Defense.

"(2) Each briefing conducted under paragraph (1) shall include—

"(A) an explanation of the procedures for civilian law enforcement officials—

"(i) to obtain information under section 371 of this title, use of equipment and facilities under section 372 of this title, and training and advice under subsection (a); and
"(ii) to obtain surplus military equipment;

"(B) the types of information, equipment and facilities, and training and advice avail-

able to civilian law enforcement officials from the Department of Defense; and

"(C) a current, comprehensive list of military equipment which is suitable for law enforcement purposes and is available to civilian law enforcement officials from the Department of Defense or is available as surplus property from the Administrator of General Services.

"(c) The Attorney General of the United States and the Administrator of General Services shall—

"(1) establish or designate an appropriate office or offices to maintain the list described in subsection (b)(2)(C) and to furnish information to civilian law enforcement officials on the availability of surplus military equipment; and

"(2) make available to civilian law enforcement personnel nationwide, tollfree telephone communication with such office or offices."

(b) The amendments made by subsection (a) shall take effect January 1, 1986.

LIMITATIONS ON THE PROCUREMENT OF CHEMICAL MUNITIONS

SEC. 932. (a) The funds appropriated pursuant to an authorization contained in this Act for the procurement of chemical munitions may be expended with the understanding that the President initiate discussions with North Atlantic Treaty Organization allies on the overall alliance capability to deter the use of chemical weapons in Europe. Such discussion should urge the European North Atlantic Treaty Organization allies to—

(1) embark upon a program to provide key civilian workers at any European military support facilities with personal and collective protection equipment and the training required for its use; and

(2) embark upon a program to upgrade the chemical reconnaissance, decontamination and protective capabilities of each North Atlantic Treaty Organization member's military forces to a level adequate to meet the chemical threat identified in North Atlantic Treaty Organization intelligence estimates; and

(3) initiate a North Atlantic Treaty Organization-wide study of measures required to protect ports, airfields, logistics centers, and command and control facilities against chemical attack; and

(4) initiate a North Atlantic Treaty Organization-wide study of equitable and efficient task sharing with regard to deterring use of chemical weapons in Europe.

(b) The President shall report to the Congress not later than October 1, 1986 on the status of those discussions, the progress made by North Atlantic Treaty Organization in enhancing the chemical deterrent, and on any future alliance plans in this regard.

RECRUITS BASIC SKILLS DEFICIENCIES STUDIES

SEC. 933. (a)(1) There is authorized a study of problem areas which may be contributing to the expansion and additional costs of the Army's program to counter deficiencies in basic skills of its recruits.

(2) This study shall be conducted by a commission composed of sixteen members, as follows:

(A) Eight members shall be appointed by the President of the United States.

(B) Four members shall be appointed by the President pro tempore of the Senate, two upon recommendation of the Majority Leader of the Senate and two upon recommendation of the Minority Leader of the Senate.

(C) Four members shall be appointed by the Speaker of the House of Representatives, two upon recommendation of the Majority Leader of the House of Representa-

tives and two upon recommendation of the Minority Leader of the House of Representatives.

(3)(A) The President, the President pro tempore of the Senate, and the Speaker of the House of Representatives shall, after consultation, assure that the members of the Commission are broadly representative of parents, the education community, business and industry, the military, and government, together with consideration for representation of minorities.

(B) The members of the Commission shall be individuals who have demonstrated prior understanding of and concern about the problem of illiteracy.

(4) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) The Commission shall elect a chairman and a vice chairman from among its members.

(6) Nine members of the Commission shall constitute a quorum for the transaction of business, but the Commission may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

(b)(1) The Commission shall conduct a full and complete study of the causes of illiteracy. Such study shall include but not be limited to the consideration of—

(A) methods of teaching reading that have been proven to be most effective, as well as methods of teaching reading which may be counterproductive; and

(B) methods of teacher training relating to reading instruction in the classroom.

(2) In carrying out its functions under this section, the Commission shall—

(A) assess the factors which contribute to illiteracy;

(B) analyze and use the recommendations of the National Commission on Reading contained in the report, "A Nation of Readers";

(C) recommend programs and procedures to prevent illiteracy;

(D) Encourage greater cooperation and resource sharing at the delivery level in federally assisted programs which have an impact upon preventing illiteracy, including title 1 of the Elementary and Secondary Education Act of 1965, chapter 2 of the Education Consolidation and Improvement Act of 1981, the Carl D. Perkins Vocational Education Act, the Adult Education Act, the Higher Education Act of 1965, the Library Services and Construction Act, and the Job Training Partnership Act;

(E) recommend the appropriate local, State, and Federal role in the prevention of illiteracy; and

(F) assemble, analyze, and publicize its findings.

(3) The Commission shall submit to the President and to the Congress such interim reports as it deems advisable. The Commission shall submit to the President and to the Congress, not later than twelve months after the first meeting of the Commission, a final report of the study and investigation, together with such recommendations as the Commission deems advisable.

10(1) Subject to such rules and regulations as may be adopted by the Commission, the chairman is authorized to—

(A) appoint, terminate, and fix the compensation without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, or of any other provision of law, relating to the number, classification, and General Schedule rates—

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7547

(i) of such personnel as it deems advisable to assist in the performance of its duties, at rates not to exceed a rate equal to the maximum rate for GS-15 of the General Schedule under section 5332 of such title; and

(ii) of an executive director for the Commission contingent upon confirmation by the Commission members at an annual rate of compensation not to exceed a rate equal to the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(B) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-15 of the General Schedule.

(2) Service as a member of the Commission or as an employee of the Commission shall not be considered service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(3) The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(d)(1) The members of the Commission shall serve on the Commission without compensation.

(2) All members of the Commission shall be reimbursed for travel, as authorized by section 5703 of title 5, United States Code, subsistence, and other necessary expenses incurred in the performance of the duties of the Commission.

(e)(1) The Commission or, on the authorization of the Commission, any subcommittee thereof or any member authorized by the Commission may, for the purpose of carrying out this joint resolution, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Commission or such member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such member.

(2) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this joint resolution, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman or vice chairman.

(3) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this joint resolution, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Com-

mission and so notifies the chairman in writing.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress.

(f) Ninety days after the submission to the Congress of its final report, the Commission shall cease to exist.

(g) There are authorized to be appropriated such sums, but not to exceed \$500,000, as may be necessary to carry out the provisions of this section.

DONATIONS BY COMMISSARY STORES OF CERTAIN UNMARKETABLE FOOD

SEC. 934. (a) IN GENERAL.—Chapter 147 of title 10, United States Code, is amended by adding at the end thereof the following new section:

“§ 2485. Commissary stores: donation of unmarketable food

“(a) The Secretary of a military department may donate commissary store food described in subsection (b) to authorized charitable nonprofit food banks.

“(b) Food that may be donated under this section is food of a commissary store—

“(1) that is—

“(A) unmarketable;

“(B) unsaleable; and

“(C) certified as edible by appropriate food inspection technicians; and

“(2) that would otherwise be destroyed as unusable.

“(c) A donation under this section shall take place at the site of the commissary that is donating the food.

“(d) A donation under this section may only be made to an entity that is authorized by the Secretary of Defense or the Secretary of Health and Human Services to receive donations under this section.

“(e) This section does not authorize any service (including transportation) to be provided in connection with a donation under this section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

“2485. Commissary stores: donation of unmarketable food.”

DEFINITION OF RESIDENCE OF A STUDENT DEPENDENT

SEC. 935. (a) IN GENERAL.—Section 406 of title 37 United States Code, is amended by adding at the end thereof the following new subsection:

(1) For the purposes of this section, the residence of a dependent of a member who is a student not living with the member while at school shall be considered to be the permanent duty station of the member or the designated residence of dependents of the member if the member's dependents are not authorized to reside with the member.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to orders to change a permanent station that are effective after September 30, 1985.

AUTHORITY TO TRANSFER CERTAIN AIRCRAFT

SEC. 936. (a) IN GENERAL.—The Secretary of the Navy may transfer title to an aircraft described in subsection (b) to the institution leasing the aircraft if the Secretary certifies—

(1) that at the time of the transfer the aircraft is being used by the organization holding the aircraft for a purpose consistent with the use intended when the aircraft was first leased to the institution; and

(2) that the Department of the Navy no longer needs the aircraft.

(b) COVERED AIRCRAFT.—The authority of the Secretary of the Navy under subsection (a) applies with respect to an aircraft—

(1) that on the date of the enactment of this Act is being leased by the Secretary to a State-supported educational institution; and

(2) For which a lease for such aircraft began with such institution on or before January 1, 1976.

(c) COMPENSATION.—A transfer under this section shall be made without compensation or reimbursement to the United States.

LIEUTENANT COLONEL HARRY L. SHRYOCK

SEC. 937. (a) Notwithstanding section 212(c) of the Omnibus Reconciliation Act of 1981, in the administration of the survivor benefit plan under subchapter II of chapter 73 of title 10, United States Code, Deola Shryock of Polson, Montana, the widow of Lieutenant Colonel Harry L. Shryock (retired), shall be paid increased survivor benefits under the plan, based upon the new election made by the said Lieutenant Colonel Shryock under the plan before his death, the said Lieutenant Colonel Shryock having made increased monthly payments under the new election for a period of twenty-one months before his death.

(b)(1) The amount of annuity payments to be made to the said Deola Shryock shall be the amount she would have received had the said Lieutenant Colonel Harry L. Shryock (retired) made increased payments into the plan for a period of two years before his death.

(2) The payment of the increased monthly annuity under section 1450 of title 10, United States Code, shall be effective as of January 12, 1984, the day after the said Lieutenant Colonel Shryock was killed after volunteering his services as a pilot in exchange for the release of a child being held as a hostage.

(c) The payment of the increased survivor benefits to the said Deola Shryock shall be subject to the condition that the said Deola Shryock pay three months of increased payments into the plan in accordance with the plan as elected by the said Lieutenant Colonel Shryock before his death.

(d) No part of the benefits received pursuant to this section in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in obtaining such benefits, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed \$1,000.

LOCAL PROCUREMENT CONNECTED WITH AMERICAN MILITARY BASES IN THE PHILIPPINES

SEC. 938. Since the June 1, 1983 Memorandum of Agreement between the Government of the Philippines and the Government of the United States provides that the “United States Forces shall procure goods and services in the Philippines to the maximum extent feasible”; and

Since any additional United States procurement of Philippine goods and services will enhance the Philippine economy and contribute to better relations between the United States military and the people of the host country; and

Since a strong Philippine economy and improved relations between the United States military and the Philippine people

S 7548

CONGRESSIONAL RECORD — SENATE

June 5, 1985

will add to the security of United States military facilities in the Pacific;

Therefore, it is the sense of the Senate that the United States should increase its purchase of goods and services for American military bases in the Philippines from the local Philippine economy to the maximum extent feasible.

SENSE OF THE SENATE REGARDING THE FIRING OF TACTICAL MISSILES FOR TRAINING PURPOSES

SEC. 939. (a) It is the sense of the Congress that, in carrying out the comprehensive analysis of the threat-based munitions and related expendables directed to be made by the Secretary of Defense pursuant to Senate Report 99-41, dated April 29, 1985, the Secretary should also develop standard criteria—

(1) for identifying, in the case of each tactical missile of the Department of Defense, the training objectives that are uniquely served by the live-firing of such missiles and to provide guidance for the development of live-firing and training requirements based on such criteria;

(2) for utilizing, to the maximum extent practicable, the use of tactical missile evaluation programs for live-firing training purposes;

(3) for improving the reporting and evaluation requirements with regard to the live-firing of missiles; and

(4) for increasing, to the maximum extent practicable and without degrading readiness, the use of training devices and simulators as alternatives to exercises involving the live-firing of missiles for training purposes.

(b) The Secretary shall submit a report to the Congress not later than February 1, 1986, informing the Congress of the actions taken by the Secretary to develop standard criteria with respect to the matters referred to in subsection (a).

UNITED STATES AIR FORCE BAND RECORDINGS SALE

SEC. 940. (a) Notwithstanding any other provision of law, recordings of the April 18 and 19, 1985, concert of the United States Air Force Band, recorded at Salt Lake City, Utah, may be produced for commercial sale.

(b) The Secretary of the Air Force, or his designee, may enter into an appropriate contract, under such terms as the Secretary or his designee may determine to be in the best interest of the Government, for the production and sale of the recordings authorized by subsection (a) of this section.

EMPLOYMENT OF LOCAL RESIDENTS IN HIGH UNEMPLOYMENT AREAS

SEC. 941. (a) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

§ 2406. Employment of local residents in high unemployment areas.

“(a) Each contract awarded under chapter 137 of this title that is for construction or services to be performed in whole or in part in a State which—

“(1) is not contiguous with another State and

“(2) has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in that State, individuals who are residents of the State and, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills.

“(b) The Secretary of Defense may waive the requirements of subsection (a) and the application of any provision included in a contract pursuant to subsection (a) in the interest of national security.”.

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

“2406. Employment of local residents in high unemployment areas.”

“(c) This section shall take effect with respect to contracts awarded on or after the date of enactment of this Act.

COST SAVINGS CASH AWARDS AND LEGAL PROTECTION FOR DISCLOSURE

SEC. 942. (a) The Congress finds and affirms that—

(1) the Code of Ethics for Government Service charges that any person in Government service should expose corruption wherever discovered;

(2) reprisals against employees who report incidents of fraud, waste, and mismanagement is prohibited by law;

(3) the Constitution protects the rights of all citizens; and

(4) every person has a right to seek remedies to protect their individual rights.

(b) Section 552(a)(4)(F) of title 5, United States Code, is amended by adding at the end thereof the following: “The Special Counsel may obtain judicial review of a final order or decision rendered by the Board in actions brought pursuant to sections 1206 and 1207 of this title. Employees affected by an agency action subject to the Special Counsel Complaint and who are aggrieved by the final decision may file a petition to intervene as a matter of right and will be considered a party to the proceeding. In corrective actions, the agency responsible for the matter giving rise to the Special Counsel complaint before the Board shall be the named respondent. In disciplinary actions, the respondent employees named in the Special Counsel complaint before the Board shall be named respondent in the judicial proceeding. Petitions brought pursuant to this subpart shall be filed with the district court and the right of a trial de novo and appellate review shall be preserved. The Special Counsel may file a petition for enforcement of subpoena and protective orders with the district court pursuant to investigative and prosecutorial authority granted to the Special Counsel.

(c)(1)(A) Section 4514 of title 5, United States Code, is amended to read as follows:

“§ 4514. Expiration of authority; reporting requirement

“(a) No award may be made under this subchapter after September 30, 1988.

“(b)(1) The Comptroller General shall submit to each House of Congress, before March 16, 1988, a report on the effectiveness of the awards program under this subchapter.

“(2) The report shall include the views of the Comptroller General as to whether the authority to make awards under this subchapter should be continued after September 30, 1988, and, if so, whether any modification in such authority would be appropriate.”.

(B) The table of sections for chapter 45 of title 5, United States Code, is amended by striking out the item relating to section 4514 and inserting in lieu thereof the following:

“4514. Expiration of authority; reporting requirement.”.

(2) Section 4512 of title 5, United States Code, is amended by striking out subsection (c) thereof.

(d)(1) Section 1124 of title 10, United States Code, is amended by inserting “disclosure,” in subsections (a), (b), (c), and (f) before “suggestion”.

(2)(A) The heading of such section is amended to read as follows:

“§ 1124. Cash awards for disclosures, suggestions, inventions or scientific achievements

(B) The item relating to such section in the table of sections at the beginning of chapter 57 of such title is amended to read as follows:

“1124. Cash awards for disclosures, suggestions, inventions, or scientific achievements.”.

(3) The amendment made by subsection (d)(1) applies only with respect to disclosures made after September 30, 1984.

ADEQUATE AIRLIFT FOR SPECIAL OPERATIONS FORCES

SEC. 943. None of the funds authorized to be appropriated by this Act may be obligated or expended for the procurement of MC-130 aircraft or the modification of HH-53 or CH-47 helicopters until the Secretary of Defense—

(1) submits, in consultation with the Chairman of the Joint Chiefs, to the Committees on Armed Services in the Senate and House of Representatives a plan for meeting the immediate airlift requirements of the Joint Special Operations Command and a second plan for meeting, by 1991, the airlift requirements of the Joint Special Operations Command and the special operations forces of unified commanders-in-chief; and

(2) certifies that the plans required by subsection (1) are funded in the Fiscal Year 1987 Five Year Defense Plan.

MORATORIUM ON EXCHANGE SERVICE FRANCHISE AGREEMENTS

SEC. 944. (a) During the period beginning on the date of enactment of this Act and ending 90 days after the date the Congress receives the report required by subsection (b), the Department of Defense, the Army and Air Force Exchange Service, and the Navy Exchange Service—

(1) may not enter into an agreement to operate or to authorize the operation of a commercial franchise business on a military installation; and

(2) may not commence construction of any facility for the operation of such a business on a military installation pursuant to any such agreement entered into before the date of enactment of this Act.

(b)(1) Not later than January 1, 1986, the Secretary of Defense shall transmit to the Congress a report on current and proposed commercial franchise business operations on military installations.

(2) The report required by paragraph (1) shall include—

(A) the current and proposed plans of the Department of Defense and the exchange services referred to in subsection (a) to operate or to authorize the operation of commercial franchise businesses on military installations, including the types of services, the specific franchises, and the installations involved in such plans;

(B) the reasons for commencing and expanding commercial franchise business activities on military installations;

(C) an analysis of the past, current, and prospective uses of the profits of nonappropriated fund instrumentalities of the Department of Defense to finance morale and welfare activities for the benefit of members of the Armed Forces and their dependents and civilian employees of the Department;

(D) the type and value of appropriated fund support (including Federal land and facilities) provided to activities of the exchange services referred to in subsection (a);

(E) an explanation of the review and approval procedures in effect for determining whether the Department and the exchange services will enter into new activities or will

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S-7549

increase the levels of exchange service activities;

(F) the reasons for deciding whether services by the exchange services should be provided under contract or franchise or by using the resources of the exchange services;

(G) the process by which a military installation is selected for new or increased levels of activities of the exchange services;

(H) the consideration given to the impact that the addition of a new activity or an increase in an existing activity of an exchange service at a military installation will have on private, commercial business operations available in the vicinity of the installations; and

(I) the economic impact which the addition of a new activity or increases in an existing activity of the exchange services on military installations will have on private, commercial businesses operating in the vicinity of the installations.

(c) The Department of Defense, the Army and Air Force Exchange Service, and the Navy Exchange Service may not operate or authorize the operation of more than one commercial, franchise food vending business on a military installation. The foregoing sentence shall not be construed as an exception to the limitations provided in subsection (a).

MANAGEMENT OF MILITARY RECORDS MAINTAINED BY THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

SEC. 945. (a) The Congress finds that the National Archives and Records Administration has received a substantial number of military records and that, by reason of the manner in which the records are maintained, many of such records are not readily accessible to the public.

(b) It is the sense of the Congress that the Archivist of the United States should appoint an advisory committee—

(1) to study the manner in which military records received by the National Archives and Records Administration are maintained; and

(2) to make recommendations to the Archivist on appropriate ways to manage and maintain such records to enhance public access to the records.

(c) Not later than March 31, 1986, the Archivist shall transmit to the Congress a report outlining a 5-year plan, a 10-year plan, and a 20-year plan for improving the management, maintenance, storage and preservation of military records and for improving public access to such records. In preparing the report, the Archivist shall consider any recommendations received from any advisory committee appointed as recommended in subsection (b).

MONITORING AND VERIFICATION OF SOVIET MOBILE ICBMS

SEC. 946. (a) the Senate finds that:

(1) Verification, and our ability to monitor Soviet forces, are major national security considerations;

(2) Both the U.S. and the Soviet Union are entering an era of greater intercontinental ballistic missile (ICBM) mobility;

(3) Any mobile ICBMs deployed by the United States and the Soviet Union should be verifiable.

(4) The Soviet Union is on the threshold of deploying two kinds of mobile ICBMs that could pose monitoring and verification difficulties for the United States;

(5) The President has reported to the Congress that increased burdens on monitoring capabilities resulting from strategic developments such as deployments of mobile ICBMs can be reduced if cooperative verification measures are adopted.

(b) In view of these findings—

(1) The Senate directs the Administration to address the monitoring and verification issues associated with the United States small ICBM and Soviet mobile ICBMs, with particular attention to the Soviet deployment of a single warhead ICBM in either a hardened, soft, or deceptive mobile basing mode, in a classified report, with an unclassified summary; to Congress by January 15, 1986.

(2) The Senate further urges the Administration to give the highest priority to the general problem or verification of mobile ICBMs with the Soviet Union in the new negotiations on Nuclear and Space Arms or through appropriate diplomatic channels.

ANNUAL REPORT ON ARMS CONTROL VERIFICATION TECHNOLOGY

SEC. 947. (a) Not later than March 1, 1986, and March 1 of each year thereafter, the Secretary of Defense, in consultation with the Secretary of Energy, shall transmit to the Congress a report on recent developments in the capabilities of the United States to monitor major weapons (including nuclear, chemical, and biological weapons) deployed by the Soviet Union, including the capabilities of such weapons, and to monitor the development of new weapons by the Soviet Union for the purpose of—

(1) determining the level of compliance by the Soviet Union with arms control agreements, including agreements which have been executed by representatives of the governments of the United States and the Soviet Union but which have not been ratified by both governments; and

(2) the extent to which, if at all, the Soviet Union has exceeded the limits set out in arms control proposals made by either such government during formal talks with each other.

(b) The report required by subsection (a) shall include—

(1) an evaluation of the capabilities of the United States referred to in such subsection as of the time of the report; and

(2) the research and development objectives of the Department of Defense and the Department of Energy with respect to such capabilities for the ensuing 10 years.

NATO COOPERATIVE PROJECTS

SEC. 948. (a) Section 27 of the Arms Export Control Act (22 U.S.C. 2767) is amended to read as follows:

"SEC. 27. NORTH ATLANTIC TREATY ORGANIZATION COOPERATIVE PROJECTS.—(a) The President may enter into an agreement with the North Atlantic Treaty Organization (NATO) or with one or more member countries (other than the United States) of NATO for a cooperative project. Participants other than the United States in a cooperative project are hereinafter in this section referred to as 'other participants'.

"(b) For the purposes of this section, a 'cooperative project' is a jointly managed arrangement, described in a written agreement amount the parties, which is undertaken in order to further the objectives of standardization, rationalization, and interoperability of the armed forces of North Atlantic Treaty Organization member countries, and which provides—

"(1) for one or more of the other participants to share with the United States the costs of research, development, testing, evaluation, or joint production (including follow-on support) of certain defense articles;

"(2) for concurrent production in the United States and in another member country of a defense article jointly developed in accordance with clause (1); or

"(3) for procurement by the United States of a defense article or defense service for another member country.

"(c) Each such agreement shall provide that the United States and each of the other participants will contribute to the cooperative project its equitable share of the full cost of such cooperative project and will receive an equitable share of the results of such cooperative project. The full costs of such cooperative project shall include, but not be limited to, overhead and administrative costs. The United States and the other participants may contribute their equitable shares of the full cost of such cooperative project in funds or in defense articles or defense services needed for such cooperative project. Military assistance and financing received from the United States Government may not be used by any of the other participants to provide its share of the cost of such cooperative project.

"(d) The President may contract or incur other obligations for a cooperative project on behalf of the other participants, without charge to any appropriation or contract authorization if each of the other participants in the cooperative project agrees (1) to pay its equitable share of the contract or such other obligations, and (2) to make such fund available in such amounts and at such times as may be required by the contract or such other obligations and to pay any damages and costs that may accrue from the performance of or cancellation of such contract or other obligation in advance of the time such payments, damages, or costs are due.

"(e) With the approval of the Secretary of State and the Secretary of Defense, a cooperative agreement made by the United States before the date of the enactment of this section that otherwise meets the requirements of this section may be treated on and after such date as having been made under this section.

"(f)(1) For those cooperative projects entered into on and after the date of the enactment of this section, the President may reduce or waive the charge or charges which would otherwise be considered appropriate under section 21(e) of this Act in connection with sales under sections 21 and 22 of this Act when such sales are made as part of such cooperative project. However, the President may reduce or waive such charge or charges only if the other participants agree to reduce or waive corresponding charges under the same and other cooperative projects in which both they and the United States are participants.

"(2) Notwithstanding the provisions of section 21(e)(1)(A) and section 43(b) of this Act, administrative surcharges shall not be increased on other sales made under this Act in order to compensate for reductions or waivers of such surcharges under this section. Funds received pursuant to such other sales shall not be available to reimburse the costs incurred by the United States Government for which reduction or waiver is approved by the President under this section.

"(g)(1) Not less than fifteen days before a cooperative project agreement is signed on behalf of the United States, the President shall transmit to the Speaker of the House of Representatives, the chairman of the Committee on Foreign Relations of the Senate, and the chairman of the Committee on Armed Services of the Senate a numbered certification with respect to such proposed agreement, setting forth—

"(A) a detailed description of the cooperative project with respect to which the certification is made;

"(B) an estimate of the quantity of the defense articles expected to be produced in furtherance of such cooperative project;

"(C) an estimate of the full cost of the cooperative project, with an estimate of that part of the full cost to be incurred by the

S 7550

CONGRESSIONAL RECORD — SENATE

June 5, 1985

United States Government for its participation in such cooperative project and an estimate of that part of the full costs to be incurred by the other participants;

"(D) an estimate of the dollar value of the funds to be contributed by the United States and each of the other participants on behalf of such cooperative project;

"(E) a description of the defense articles and defense services expected to be contributed by the United States and each of the other participants on behalf of such cooperative project;

"(F) a statement of the foreign policy and national security benefits anticipated to be derived from such cooperative project;

"(G) whether the President proposes to delegate, or has delegated, to the Secretary of Defense authority to carry out the cooperative project; and

"(H) in the event the President proposes to delegate, or has delegated, to the Secretary of Defense authority to carry out the cooperative project, whether it is likely (i) that subcontracts will be awarded to particular subcontractors under the authority of section 2407(b) of title 10, United States Code, and, to the extent known, the nature of the subcontracts and the identity of the subcontractors to whom the subcontracts are to be awarded, and (ii) that waivers of certain provisions of law will be made under section 2407(c) of such title, and, to the extent known, the identification of the specific provisions proposed to be waived and the reasons for the proposed waivers.

"(2) The provisions of subsection (b) of section 36 of this Act shall not apply to sales made under section 21 or 22 of this Act and to production and exports made pursuant to cooperative projects under this section, and the provisions of subsection (c) of section 36 of this Act shall not apply to the issuance of licenses or other approvals under section 38 of this Act, if such sales are made, or such licenses or approvals are issued, or such production and exports ensue as part of a cooperative project.

"(h) The authority under this section is in addition to the authority under sections 21 and 22 of this Act and under any other provision of law."

(b) Section 2(b) of the Arms Export Control Act (22 U.S.C. 2752(b)) is amended to read as follows:

"(b) Under the direction of the President, the Secretary of State, taking into account other United States activities abroad, such as military assistance, economic assistance, and food for freedom, shall be responsible for the continuous supervision and general direction of sales, leases, financing, cooperative projects, and exports under this Act, including, but not limited to, determining whether there will be a sale to or financing for a country and the amount thereof, whether there will be a lease to a country, whether there will be a cooperative project and the scope thereof, and whether there will be delivery or other performance under such sale, lease, cooperative project, or export, to the end that sales, financing, leases, cooperative projects, and exports will be integrated with other United States activities and to the end that the foreign policy of the United States would be best served thereby."

(c) Section 3(a) of the Arms Export Control Act (22 U.S.C. 2753(a)) is amended—

(1) by inserting ", and no agreement shall be entered into for a cooperative project (as defined in section 27(b) of this Act)," after "international organization," the first place it appears;

(2) by inserting in paragraph (2) ", or produced in a cooperative project," after "so furnished to it";

(3) by inserting in paragraph (2) "(or the North Atlantic Treaty Organization or the specified member countries (other than the United States) in case of a cooperative project)" after "international organization" the second place it appears in the paragraph; and

(4) by inserting in paragraph (3) "or service" after "such article" each place it appears.

(d) Section 42(e) of the Arms Export Control Act (22 U.S.C. 2791(e)) is amended—

(1) by inserting in paragraph (1) "and each contract entered into under section 27(d) of this Act" after "of this Act"; and

(2) by inserting in paragraph (3) "and under contracts entered into under section 27(d) of this Act" after "of this Act".

(e)(1) Chapter 141 of title 10, United States Code (as amended by section 604(a)(1)), is amended by adding at the end thereof the following new section:

"§ 2407. Acquisition of defense equipment under North Atlantic Treaty Organization cooperative projects

"(a)(1) If the President delegates to the Secretary of Defense the authority to carry out section 27(d) of the Arms Export Control Act (22 U.S.C. 2767(d)), relating to North Atlantic Treaty Organization (NATO) cooperative projects (as defined in section 27(d) of the Arms Export Control Act), the Secretary may utilize his authority under this title in carrying out contracts or obligations incurred under such section.

"(2) Except as provided in subsection (c), chapter 137 of this title shall apply to such contracts (referred to in paragraph (1)) entered into by the Secretary of Defense. Except to the extent waived under subsection (c) or some other provision of law, all other provisions of law relating to procurement, if otherwise applicable, shall apply to such contracts entered into by the Secretary of Defense.

"(b) When contracting or incurring obligations under section 27(d) of the Arms Export Control Act for cooperative projects, the Secretary of Defense may require subcontracts to be awarded to particular subcontractors in furtherance of the cooperative projects. The authority of the Secretary under this subsection shall expire on September 30, 1989.

"(c)(1) Subject to paragraph (2), when entering into contracts or incurring obligations under section 27(d) of the Arms Export Control Act outside the United States, the Secretary of Defense may waive with respect to any such contract or subcontract the application of any provision of law, other than a provision of the Arms Export Control Act or section 2304 of this title, that specifically—

"(A) prescribe procedures to be followed in the formation of contracts;

"(B) prescribe terms and conditions to be included in contracts; or

"(C) prescribe requirements for or preferences to be given to goods grown, produced, or manufactured in the United States or in United States Government-owned facilities or for services to be performed in the United States.

"(2) A waiver may not be made under paragraph (1) unless the Secretary determines that the waiver is necessary to insure that the cooperative project will significantly further NATO standardization, rationalization, and interoperability.

"(3) The authority of the Secretary to make waivers under this subsection may be delegated only to the Deputy Secretary of Defense or the Acquisition Executive designated for the Office of the Secretary of Defense.

"(4) The authority of the Secretary to make waivers under this subsection shall expire on September 30, 1989.

"(d) The Secretary of Defense shall report to the Congress each time he requires under subsection (b) a subcontract to be awarded to a particular subcontractor and each time he exercises a waiver under subsection (c). The Secretary shall include in every such notice the reason for exercising his authority under subsection (b) or (c), as the case may be, and, in the case of a waiver under subsection (c), the particular provision or provisions of law that were waived. A report under this subsection shall be required only to the extent that the information required by this subsection has not been provided in a report made by the President under section 27(e) of the Arms Export Control Act (22 U.S.C. 2767(e)).

"(e)(1) In carrying out a cooperative project under section 27 of the Arms Export Control Act, the Secretary of Defense may agree that a participant (other than the United States) may make a contract for requirements of the United States under the project if the Secretary determines that such a contract will significantly further NATO standardization, rationalization, and interoperability. Except to the extent waived, the Secretary shall ensure that such contract will be made on a competitive basis and that United States sources will not be precluded from competing under the contract.

"(2) If a participant (other than the United States) in a NATO cooperative project makes a contract on behalf of such project to meet the requirements of the United States, the contract may permit the contracting party to follow its own procedures relating to contracting.

"(f) In carrying out a cooperative project, the Secretary of Defense may also agree to the disposal of property that is jointly acquired by the members of the project without regard to any laws of the United States applicable to the disposal of property owned by the United States. Disposal of such property may include a transfer of the interest of the United States in such property to one of the other governments participating in the cooperative agreement or the sale of such property. Payment for the transfer or sale of any interest of the United States in any such property shall be made in accordance with the terms of the cooperative agreement.

"(g) In carrying out a cooperative project, the Secretary of Defense may also agree to the reciprocal waiver of customs duties or other type of duties that might otherwise be applicable to equipment or goods imported in pursuance of such agreement."

(2) The table of sections at the beginning of such chapter is amended by adding at the end of the following new item:

"2407. North Atlantic Treaty Organization cooperative projects."

ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

SEC. 949. (a) Section 419A of the Higher Education Act of 1965 (hereafter in this section referred to as the "Act") is amended by striking out "Federal Merit Scholarship Program" and inserting in lieu thereof "Robert C. Byrd Honors Scholarship Program".

(b) Section 419C of the Act is amended by adding at the end thereof the following new subsection:

"(d) Scholarships awarded under this subpart shall be known as 'Byrd Scholars'."

(c) Section 419E(3) of the Act is amended by striking out "Federal" and by inserting "under this subpart" after "scholarships".

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7551

(d) The heading of subpart 6 of part A of title IV of the Act is amended to read as follows:

"SUBPART 6—ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM"

REPORT ON BUDGETING FOR INFLATION

SEC. 950. (a) The Secretary of Defense shall submit to the Congress, not later than September 1, 1985, a report containing an explanation of what the Department of Defense does with funds in any fiscal year that are saved as a result of a decrease in the anticipated rate of inflation during such year and an estimate of the amount of unobligated funds from previous fiscal years that is proposed to be obligated during the current fiscal year that represents savings realized as the result of a difference in the inflation rate assumed at the time funds were appropriated and the actual rate of inflation.

(b) The Secretary shall also include in the report required under subsection (a) a proposal or alternative proposals for a budget system under which (1) funds for any fiscal year would be appropriated to the Department of Defense without the addition of any amount for anticipated inflation during such fiscal year, and (2) requests would be made to the Congress at the end of the fiscal year for any additional funds made necessary by reason of inflation during the fiscal year.

(c) The Secretary shall also include in such report—

(1) his recommendations for procedures which would effectively implement a proposal submitted under subsection (b); and

(2) a discussion of the advantages and disadvantages of instituting such a proposal, together with any other comments and recommendations the Secretary considers appropriate.

MANDATORY LIFE TERM OF IMPRISONMENT FOR SOVIET ESPIONAGE

SEC. 951. (a) Subsection (a) of section 794 of title 18, United States Code, is amended by—

(1) striking out the period and inserting a semicolon in lieu thereof; and

(2) inserting at the end thereof the following new paragraph—

"Provided however, if the foreign government is the government of the Soviet Union or of any other communist country, whoever is convicted under this subsection shall be punished by death or for the rest of his life as provided in the following sentence. Notwithstanding any other provision of law, the court, in imposing a life sentence under this provision of this subsection, shall not sentence the defendant to probation, nor suspend such sentence, and the defendant shall not be eligible for release on parole."

(b) Subsection (b) of section 794 of title 18, United States Code, is amended by—

(1) striking out "for any term of years or for life" and inserting in lieu thereof "for the rest of his life as provided in the following sentence"; and

(2) inserting at the end thereof the following: "Notwithstanding any other provisions of law, the court, in imposing a life sentence under this subsection, shall not sentence the defendant to probation, nor suspend such sentence, and the defendant shall not be eligible for release on parole."

TESTING IN SPACE OF THE F-15 LAUNCHED MINIATURE HOMING VEHICLE ANTISATELLITE WARHEAD

SEC. 952. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated or made available in this or any other Act may be obligated or expended to test against an object in space the miniature homing vehicle (MHV) antisatellite warhead launched from an F-15

aircraft unless the President determines and certifies to Congress—

(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on antisatellite weapons consistent with the national security interests of the United States;

(2) that, pending agreement on such strict limitations, testing against objects, in space of the F-15 launched miniature homing vehicle antisatellite warhead by the United States is necessary to avert clear and irreversible harm to the national security;

(3) that such testing would not constitute an irreversible step that would gravely impair prospects for negotiations on antisatellite weapons; and

(4) that such testing is fully consistent with the rights and obligations of the United States under the Anti-Ballistic Missile Treaty of 1972 as those rights and obligations exist at the time of such testing.

(b) The limitation on the expenditure of funds provided by subsection (a) of this section shall cease to apply 15 calendar days after the date of the receipt by Congress of the certification referred to in subsection (a).

(c) Notwithstanding any other provision of law, none of the funds authorized to be appropriated or made available in this or any other Act may be obligated or expended to conduct more than 3 tests against an object in space the miniature homing vehicle (MHV) antisatellite warhead launched from an F-15 aircraft unless the President makes the determination and certification contained in subparagraphs (1) to (4) in subsection (a) above after the third test against an object in space and 15 calendar days have elapsed after the date of the receipt of the certification to Congress.

EMPLOYMENT OF THE STANDARD MISSILE (SM-2(N))

SEC. 953. None of the funds authorized to be appropriated in this legislation shall be expended for research, development, test or procurement associated with a nuclear variant of the Standard Missile (SM-2(N)) or any associated nuclear warhead until 30 calendar days after the Secretary of Navy submits to the Senate and House Armed Services Committee a report which includes the following information:

(1) a description of the circumstances under which the SM-2(N) would be utilized, and an assessment of likely enemy response (including countermeasures).

(2) a description of the release procedures and circumstances under which release would be authorized for employment of the SM-2(N).

(3) an analysis of conventional alternatives to the SM-2(N), including any necessary modification to the SM-2 or alternative to the Standard missile or warhead, and the associated costs of those alternatives.

(4) a summary of all studies previously conducted analyzing the impact of the use of nuclear naval surface-to-air missiles on our own vessels and electronics.

(5) a list of all United States ships which may receive the SM-2(N).

(6) the number of additional conventional armed missiles which could be carried by United States ships if the SM-2(N) were not deployed and the impact on fleet air defense from that reduced conventional load.

(7) Any plans or programs for the development of a nuclear naval surface-to-air or air-to-air missile for fleet defense other than the SM-2(N).

STUDY BY THE THE DIRECTOR OF THE CONGRESSIONAL BUDGET OFFICE

SEC. 954. (a) The Director of the Congressional Budget Office shall conduct a comprehensive study of the impact that projected expenditures for Strategic Defense Initiative programs for fiscal years 1986 through 1991 will likely have on the research and development budget of the Department of Defense for each of such years and on the research and development budget for the entire Federal Government for each of such years.

(b) The Director shall report the results of such study to the Congress not later than 180 days after the date of the enactment of this Act.

STUDY BY THE JOINT ECONOMIC COMMITTEE

SEC. 955. (a) The Joint Economic Committee shall conduct a comprehensive study of the impact that projected expenditures for Strategic Defense Initiative programs for fiscal years 1986 through 1991 will likely have on the research and development efforts by the civilian sector of the economy for such years.

(b) The Committee shall report the results of such study to the Congress not later than 180 days after the date of the enactment of this Act.

UNITED STATES AND SOVIET VERIFICATION CAPABILITIES

SEC. 956. (a) The President of the United States shall conduct an interagency study (to include the Department of Defense, the Department of Energy, the Joint Chiefs of Staff, the Department of State, the Arms Control and Disarmament Agency, and the appropriate intelligence agencies), with the purpose of:

(1) Reporting on the present status of United States and Soviet verification capabilities; and

(2) Determining possible avenues for cooperation with the Soviet Union in the development of verification capabilities not subject to national security restrictions; including but not limited to limited exchanges of data and scientific personnel and conducting a joint technological effort in the area of seismic monitoring.

(b) The President shall submit a classified and unclassified version of this report to Congress no later than October 1, 1985.

NAVAL AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA LAND SALE

SEC. 957. (a) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to sell or exchange approximately 475 acres of land lying south of proposed highway SR-52 which comprises a portion of the Naval Air Station, Miramar, San Diego, California, said lands not to include lands authorized to be conveyed under Public Law 98-407, section 837. The sale or exchange shall be conducted in accordance with competitive bidding procedures, as defined in chapter 137 of title 10, and the Secretary shall in any event ensure that the consideration received from the sale or exchange is at least equal to the fair market value of the property.

(b) In consideration for the sale or exchange authorized in subsection (a), the Secretary may receive cash or land in the San Diego area, or both. Any land received shall be suitable for siting of military family housing. The Secretary is authorized to retain and expend the proceeds of the sale or exchange only for the acquisition of military family housing sites in the San Diego area. Any funds received by the Secretary under this provision shall be obligated for military family housing sites within 30 months of their receipt or, failing such obli-

S 7552

CONGRESSIONAL RECORD — SENATE

June 5, 1985

gation, shall be deposited in the Treasury as miscellaneous revenue.

(c) The exact acreage and legal description of the property to be sold or exchanged under this section shall be in accordance with surveys that are satisfactory to the Secretary.

(d) The Secretary may require such additional terms and conditions in connection with the sale or exchange as are considered appropriate to protect the interests of the United States.

INVOLVING OUR NORTH ATLANTIC TREATY ORGANIZATION ALLIES IN THE STRATEGIC DEFENSE INITIATIVE PROCESS

Sec. 958. Recent attempts by the President of the United States to initiate cooperation on the Strategic Defense Initiative between our government and the governments of the North Atlantic Treaty Organization should be commended; and our mutual defense is strengthened by the ability of the North Atlantic Treaty Organization alliance to achieve the highest level of cooperation and consultation possible; Now, therefore

It is the sense of the Senate that the President should continue consultations with the governments of the North Atlantic Treaty Organization concerning the Strategic Defense Initiative, and within applicable United States national security guidelines inform these countries of our progress, plans, and potential proposals in this area to the maximum extent feasible.

POLICY ON COMPLIANCE WITH EXISTING STRATEGIC OFFENSIVE ARMS AGREEMENTS

Sec. 959. (a) The Congress finds that—
(1) it is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies;

(2) the President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint";

(3) the President last year called this policy "helpful" and pointed out that "we have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground";

(4) the President has also declared "that the United States is continuing to carry out its own obligations under relevant agreements";

(5) the President has reported to Congress that the Soviet Union has violated certain of their political commitments with respect to the SALT II Treaty including the provisions of telemetry encryption and "new types" of ICBMs;

(6) the President has declared that "the United States will continue to press these compliance issues with the Soviet Union through diplomatic channels";

(7) the President has also declared that "the United States is continuing to carry out its own obligations under relevant agreements, subject to the Soviet Union reciprocally complying with SALT II";

(8) last month, the President stated in reference to the United States commitment to refrain from undercutting existing strategic arms agreements so long as the Soviet Union shows equal restraint that "there's considerable evidence now that that has been rather one-sided, and if it has been, then there's no need for us to continue";

(9) the President's Commission on Strategic Forces in its April 1983 report declared that a "more stable structure of ICBM deployments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles" and, consistent with this goal, recommended

that the United States proceed with engineering development of a small, mobile single-warhead ICBM (SICM);

(10) Lieutenant General Brent Scowcroft, Chairman of the President's Commission on Strategic Forces, has testified with respect to the SICM that "it would stand arms control on its head to say that it (the SALT II treaty) would prevent us moving in the direction clearly in the interest of arms control and stability";

(b) It is the sense of the Congress that—

(1) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic arms control agreements and should seek corrective actions through confidential diplomatic channels, including, where appropriate, the Standing Consultative Commission and the renewed nuclear arms negotiations;

(2) the Soviet Union should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms agreements in order to maintain the integrity of those agreements and strengthen the positive environment necessary for the successful negotiation of a new agreement;

(3) the United States should, through December 31, 1986, continue to refrain from undercutting the provisions of existing strategic offensive arms agreements to the extent that the Soviet Union refrains from undercutting those provisions and provided the Soviet Union actively pursues arms reduction agreements in the Nuclear and Space Arms negotiations, or until a new strategic offensive arms agreement is concluded; and provided, however, nothing in this section shall be construed as prohibiting the United States from carrying out other proportionate responses to Soviet undercutting of strategic arms provisions; and

(4) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long term security interests of the United States and its allies and should consult with Congress before making any changes in current policy.

(c) The President shall provide to the Congress on or before September 1, 1986, a report that provides:

(1) a projection and comparison, on a year-by-year basis, of United States and Soviet strategic weapons dismantlements that would be required over the next five years if the United States and the Soviet Union were to adhere to a policy of not undercutting existing strategic arms control agreements.

(2) a projection and comparison, on a year-by-year basis, of likely United States and Soviet strategic offensive force inventories over the next five years if the no-undercut policy were to lapse at the end of 1985;

(3) assesses possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy; and

(4) makes recommendations regarding the future of United States interim restraint policy.

(d)(1) To the extent that the President finds and reports to the Congress that the Soviet Union has violated the provisions of strategic arms agreements, and that the President finds and reports to the Congress that such violations impair or threaten the security of the United States, the President may propose such measures as shall be necessary to protect the security of the United States. Nothing herein should be construed as an attempt to restrain or inhibit the constitutional powers of the President of the United States.

(2) Nothing in this section should be construed to endorse unilateral United States compliance with existing strategic arms agreements.

(3) Nothing in this section shall be construed as prohibiting or delaying the development, flight testing or deployment of the SICM as authorized by Congress or as establishing a precedent to continuing the no-undercut policy beyond December 31, 1986, which should be a matter for consultation between the President and Congress and subsequent review and debate by the Congress.

DIVISION B—MILITARY CONSTRUCTION

SHORT TITLE

Sec. 2001. This division may be cited as the "Military Construction Authorization Act, 1986".

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

Sec. 2101. The Secretary of the Army may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, \$58,730,000.
Fort Campbell, Kentucky, \$26,200,000.
Fort Carson, Colorado, \$48,750,000.
Fort Hood, Texas, \$58,950,000.
Fort Hunter-Liggett, California, \$11,100,000.
Fort Indiantown Gap, Pennsylvania, \$5,300,000.
Fort Irwin, California, \$26,700,000.
Fort Lewis, Washington, \$124,280,000.
Fort McCoy, Wisconsin, \$940,000.
Fort Meade, Maryland, \$18,930,000.
Fort Ord, California, \$25,820,000.
Fort Polk, Louisiana, \$20,230,000.
Fort Richardson, Alaska, \$3,600,000.
Fort Riley, Kansas, \$49,290,000.
Fort Sam Houston, Texas, \$1,440,000.
Fort Sheridan, Illinois, \$3,500,000.
Fort Stewart, Georgia, \$29,600,000.
Fort Wainwright, Alaska, \$14,000,000.
Presidio of Monterey, California, \$2,650,000.
Yakima Firing Center, Washington, \$16,430,000.

UNITED STATES ARMY WESTERN COMMAND

Fort Shafter, Hawaii, \$6,300,000.
Pohakuloa Training Area, Hawaii, \$2,150,000.

Schofield Barracks, Hawaii, \$32,460,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort A.P. Hill, Virginia, \$6,450,000.
Fort Belvoir, Virginia, \$34,300,000.
Fort Benjamin Harrison, Indiana, \$5,300,000.
Fort Benning, Georgia, \$37,650,000.
Fort Bliss, Texas, \$26,500,000.
Fort Dix, New Jersey, \$6,100,000.
Fort Gordon, Georgia, \$46,040,000.
Fort Jackson, South Carolina, \$6,600,000.
Fort Knox, Kentucky, \$16,270,000.
Fort Leavenworth, Kansas, \$6,900,000.
Fort Lee, Virginia, \$12,050,000.
Fort Leonard Wood, Missouri, \$3,950,000.
Fort McClellan, Alabama, \$39,350,000.
Fort Pickett, Virginia, \$420,000.
Fort Rucker, Alabama, \$9,450,000.
Fort Sill, Oklahoma, \$52,000,000.
Fort Story, Virginia, \$1,950,000.

MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, \$8,300,000.

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7553

UNITED STATES ARMY MATERIEL COMMAND
 Aberdeen Proving Ground, Maryland, \$4,670,000.
 Anniston Army Depot, Alabama, \$8,960,000.
 Corpus Christi Army Depot, Texas, \$4,400,000.
 Detroit Arsenal, Michigan, \$320,000.
 Dugway Proving Ground, Utah, \$8,650,000.
 Navajo Depot Activity, Arizona, \$240,000.
 Picatinny Arsenal, New Jersey, \$1,000,000.
 Pine Bluff Arsenal, Arkansas, \$19,000,000.
 Pueblo Depot Activity, Oregon, \$200,000.
 Red River Army Depot, Texas, \$820,000.
 Redstone Arsenal, Alabama, \$24,250,000.
 Rock Island Arsenal, Illinois, \$29,000,000.
 Sacramento Army Depot, California, \$4,550,000.
 Savanna Army Depot, Illinois, \$510,000.
 Seneca Army Depot, New York, \$1,410,000.
 Sierra Army Depot, California, \$2,600,000.
 Tooele Army Depot, Utah, \$11,490,000.
 Umatilla Depot Activity, Oregon, \$260,000.
 Yuma Proving Ground, Arizona, \$240,000.

AMMUNITION FACILITIES

Holston Army Ammunition Plant, Tennessee, \$1,670,000.
 Indiana Army Ammunition Plant, Indiana, \$210,000.
 Iowa Army Ammunition Plant, Iowa, \$810,000.
 Kansas Army Ammunition Plant, Kansas, \$570,000.
 Lake City Army Ammunition Plant, Missouri, \$930,000.
 Louisiana Army Ammunition Plant, Louisiana, \$640,000.
 Newport Army Ammunition Plant, Indiana, \$8,000,000.
 Radford Army Ammunition Plant, Virginia, \$2,910,000.
 Sunflower Army Ammunition Plant, Kansas, \$210,000.

UNITED STATES ARMY INFORMATION SYSTEMS COMMAND

Fort Huachuca, Arizona, \$2,050,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, \$31,000,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, \$7,600,000.
 Tripler Army Medical Center, Hawaii, \$970,000.

Walter Reed Army Medical Center, Washington, District of Columbia, \$1,150,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Military Ocean Terminal, New Jersey, \$3,200,000.
 Oakland Army Base, California, \$330,000.
 Sunny Point Military Ocean Terminal, North Carolina, \$1,200,000.

UNITED STATES ARMY CORPS OF ENGINEERS

Humphreys Engineer Center, Supt. Activity, Virginia, \$11,000,000.

ASSISTANT CHIEF OF ENGINEERS

Various, United States, \$3,000,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, JAPAN

Japan, \$1,050,000.

EIGHTH UNITED STATES ARMY

Camp Carroll, Korea, \$40,380,000.
 Camp Casey, Korea, \$12,920,000.
 Camp Castle, Korea, \$1,100,000.
 Camp Colbern, Korea, \$550,000.
 Camp Edwards, Korea, \$1,090,000.
 Camp Gary Owen, Korea, \$580,000.
 Camp Giant, Korea, \$1,050,000.
 Camp Greaves, Korea, \$420,000.
 Camp Hovey, Korea, \$8,300,000.
 Camp Howze, Korea, \$1,980,000.

Camp Humphreys, Korea, \$11,600,000.
 Camp Kittyhawk, Korea, \$1,600,000.
 Camp Kyle, Korea, \$3,580,090.
 Camp Liberty Bell, Korea, \$800,000.
 Camp Market, Korea, \$710,000.
 Camp Page, Korea, \$32,650,000.
 Camp Pelham, Korea, \$2,400,000.
 Camp Red Cloud, Korea, \$1,730,000.
 Camp Stanley, Korea, \$5,500,000.
 K-16 Army Airfield, Korea, \$4,050,000.
 Location 177, Korea, \$740,000.
 Yongin, Korea, \$2,550,000.
 Yongson, Korea, \$9,800,000.

BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND

Kwajalein, \$14,600,000.

UNITED STATES ARMY FORCES COMMAND OVERSEAS

Panama, \$7,680,000.

UNITED STATES ARMY, EUROPE AND SEVENTH ARMY

Amberg, Germany, \$850,000.
 Ansbach, Germany, \$14,390,000.
 Bad Kreuznach, Germany, \$1,100,000.
 Bad Toelz, Germany, \$1,850,000.
 Bamberg, Germany, \$6,490,000.
 Baumholder, Germany, \$900,000.
 Darmstadt, Germany, \$29,200,000.
 Frankfurt, Germany, \$18,680,000.
 Friedberg, Germany, \$9,150,000.
 Fulda, Germany, \$7,200,000.
 Giessen, Germany, \$1,700,000.
 Goepfingen, Germany, \$10,250,000.
 Grafenwoehr, Germany, \$2,450,000.
 Haingruen, Germany, \$680,000.
 Hanau, Germany, \$48,140,000.
 Heidelberg, Germany, \$8,800,000.
 Heilbronn, Germany, \$2,950,000.
 Hohenfels, Germany, \$6,300,000.
 Kaiserslautern, Germany, \$3,450,000.
 Karlsruhe, Germany, \$4,020,000.
 Mainz, Germany, \$820,000.
 Neu Ulm, Germany, \$1,000,000.
 Nuernberg, Germany, \$9,360,000.
 Pirmasens, Germany, \$14,000,000.
 Schoeningen, Germany, \$700,000.
 Schweinfurt, Germany, \$17,840,000.
 Stuttgart, Germany, \$4,500,000.
 Vilseck, Germany, \$10,290,000.
 Wiesbaden, Germany, \$2,900,000.
 Wildflecken, Germany, \$20,000,000.
 Wuerzburg, Germany, \$48,070,000.
 Various Locations, Greece, \$1,440,000.
 Various Locations, Italy, \$1,850,000.
 Various Locations, Turkey, \$7,440,000.

FAMILY HOUSING

Sec. 2102. The Secretary of the Army may construct or acquire family housing units (including land acquisition) at the following installations in the number of units and mobile home spaces shown, and in the amount shown, for each installation:

Ford Ord, California, six hundred units and seventy mobile home spaces, \$50,640,000.

Fort Carson, Colorado, fifty mobile home spaces, \$712,000.

Fort Stewart, Georgia, twenty mobile home spaces, \$253,000.

Bamberg, Germany, one hundred six units, \$7,209,000.

Grafenwoehr, Germany, ninety-eight units, \$6,120,000.

Vilseck, Germany, three hundred seventy units, \$26,830,000.

Fort Riley, Kansas, fifty mobile home spaces, \$700,000.

Fort Campbell, Kentucky, fifty mobile home spaces, \$689,000.

Fort Bragg, North Carolina, two units by reconfiguration and fifty mobile home spaces, \$637,000.

Dugway Proving Ground, Utah, one hundred four units and twenty-four mobile home spaces, \$8,674,000.

Fort Myer, Virginia, six units, \$596,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Sec. 2103. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed \$166,000,000, of which \$10,950,000 is available only for energy conservation projects.

(b) The Secretary of the Army may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Walter Reed Army Medical Center, Washington, District of Columbia, one unit, \$99,000.

Fort Bragg, North Carolina, one hundred sixty-four units, \$4,712,000.

Aberdeen Proving Ground, Maryland, eighty-one units, \$2,762,000.

CONVEYANCE OF LAND AT FORT DERUSSY, HAWAII

Sec. 2104. (a) Notwithstanding any other provision of law, including but not limited to section 809 of the Military Construction Authorization Act, 1968, section 807(d) of the Military Construction Act, 1984, or any provision of an annual appropriation Act restricting the use of funds for the sale, lease, rental, or excessing of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii, the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to sell and convey, at the appraised fair market value as determined by the Secretary, all right title and interest of the United States in up to 45 acres of land and improvements northeast of Kalia Road comprising a portion of Fort DeRussy, Hawaii, to the city and county of Honolulu or the State of Hawaii, or their designated agencies, upon such terms and conditions as are acceptable to the Secretary. The exact acreages and legal descriptions of the property to be sold under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such surveys shall be borne by the buyer.

(b) The Secretary is authorized to acquire land and design and construct such facilities as are necessary to replace those on the land to be sold pursuant to subsection (a). The Secretary is also authorized to relocate activities currently located at Fort DeRussy to such replacement facilities.

(c) The proceeds of the sale authorized to be conducted pursuant to subsection (a) shall be available without fiscal year limitation to acquire land and replace facilities authorized to be acquired or constructed pursuant to subsection (b) and to pay associated relocation costs. The remainder of the proceeds shall be converted into the Treasury as miscellaneous receipts.

(d) Any action under this section shall ensure adequate parking for the Hale Koa Hotel.

TITLE II—NAVY

AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

Sec. 2121. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Logistics Base, Barstow, California, \$530,000.

S 7554

CONGRESSIONAL RECORD — SENATE

June 5, 1985

Marine Corps Air Station, Beaufort, South Carolina, \$6,905,000.
 Marine Corps Mountain Warfare Training Center, Bridgeport, California, \$1,470,000.
 Marine Corps Camp Detachment, Camp Elmore, Norfolk, Virginia, \$3,995,000.
 Marine Corps Base, Camp Lejeune, North Carolina, \$24,140,000.
 Marine Corps Base, Camp Pendleton, California, \$25,175,000.
 Marine Corps Air Facility, Camp Pendleton, California, \$14,310,000.
 Marine Corps Air Station, Cherry Point, North Carolina, \$36,450,000.
 Marine Corps Air Station, El Toro, California, \$30,375,000.
 Marine Corps Air Station, Kaneohe Bay, Hawaii, \$17,420,000.
 Marine Corps Air Station, New River, North Carolina, \$10,780,000.
 Marine Corps Recruit Depot, Parris Island, South Carolina, \$3,610,000.
 Marine Corps Air Station, Tustin, California, \$17,970,000.
 Marine Corps Air-Ground Combat Center, Twentynine Palms, California, \$17,290,000.
 Marine Corps Development and Education Command, Quantico, Virginia, \$7,060,000.
 Marine Corps Air Station, Yuma, Arizona, \$16,750,000.

CHIEF OF NAVAL RESEARCH

Naval Research Laboratory, Washington, District of Columbia, \$28,900,000.

OFFICE OF THE COMPTROLLER OF THE NAVY

Navy Finance Center, Cleveland, Ohio, \$2,940,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, \$23,480,000.
 Naval Space Command, Dahlgren, Virginia, \$4,700,000.
 Navy Regional Data Automation Center, Jacksonville, Florida, \$10,300,000.
 Naval Space Surveillance Field Station, Lewisville, Arkansas, \$675,000.
 Navy Tactical Interoperability Support Activity, Mayport, Florida, \$470,000.
 Navy Tactical Interoperability Support Activity, North Island, California, \$585,000.
 Navy Regional Data Automation Center, Norfolk, Virginia, \$10,880,000.
 Naval Space Surveillance Field Station, San Diego, California, \$600,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, \$3,040,000.
 Naval Air Station, Cecil Field, Florida, \$29,835,000.
 Naval Station, Charleston, South Carolina, \$9,960,000.
 Naval Air Station, Jacksonville, Florida, \$12,270,000.
 Naval Amphibious Base, Little Creek, Virginia, \$12,300,000.
 Naval Station, Mayport, Florida, \$10,820,000.
 Naval Submarine Base, New London, Connecticut, \$365,000.
 Naval Station, New York, New York, \$18,560,000.
 Naval Air Station, Norfolk, Virginia, \$10,675,000.
 Naval Station, Norfolk, Virginia, \$800,000.
 Naval Air Station, Oceana, Virginia, \$16,940,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Facility, Adak, Alaska, \$2,650,000.
 Naval Air Station, Alameda, California, \$8,650,000.
 Naval Submarine Base, Bangor, Washington, \$5,200,000.
 Amphibious Task Force, Camp Pendleton, California, \$9,020,000.
 Naval Amphibious Base, Coronado, California, \$16,150,000.

Naval Station, Everett, Washington, \$17,640,000.
 Naval Air Station, Fallon, Nevada, \$36,500,000.
 Naval Air Station, Lemoore, California, \$2,300,000.
 Naval Station, Long Beach, California, \$16,000,000.
 Naval Air Station, Miramar, California, \$385,000.
 Naval Air Station, North Island, California, \$18,593,000.
 Naval Submarine Base, Pearl Harbor, Hawaii, \$2,900,000.
 Naval Station, San Diego, California, \$16,197,000.
 Naval Submarine Base, San Diego, California, \$14,120,000.
 Naval Station, Seattle, Washington, \$3,480,000.
 Naval Station, Mare Island, Vallejo, California, \$735,000.
 Naval Air Station, Whidbey Island, Washington, \$2,650,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Fleet and Mine Warfare Training Center, Charleston, South Carolina, \$1,180,000.
 Naval Amphibious School, Coronado, California, \$5,900,000.
 Surface Warfare Officers School Command Detachment, Coronado, California, \$5,200,000.
 Naval Air Station, Corpus Christi, Texas, \$4,360,000.
 Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, \$7,150,000.
 Naval Explosive Ordnance Disposal School, Eglin, Florida, \$13,700,000.
 Naval Construction Training Center, Gulfport, Mississippi, \$2,460,000.
 Naval Amphibious School, Little Creek, Virginia, \$420,000.
 Naval Air Station, Memphis, Tennessee, \$14,875,000.
 Naval Air Station, Meridian, Mississippi, \$450,000.
 Naval Submarine School, New London, Connecticut, \$13,300,000.
 Naval Education and Training Center, Newport, Rhode Island, \$28,280,000.
 Naval Training Center, Orlando, Florida, \$9,400,000.
 Naval Air Station, Pensacola, Florida, \$225,000.
 Naval Technical Training Center, Pensacola, Florida, \$5,670,000.
 Naval Construction Training Center, Port Hueneme, California, \$4,800,000.
 Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, \$7,850,000.
 Fleet Combat Training Center, Pacific, San Diego, California, \$305,000.
 Fleet Training Center, San Diego, California, \$4,750,000.
 Naval Training Center, San Diego, California, \$2,900,000.
 Naval Technical Training Center, San Francisco, California, \$1,570,000.
 Naval Air Station, Whiting Field, Florida, \$810,000.

NAVAL MILITARY PERSONNEL COMMAND

Navy Band, Washington, District of Columbia, \$1,900,000.

NAVAL MEDICAL COMMAND

Naval Medical Clinic, Annapolis, Maryland, \$12,540,000.
 Naval Hospital, Groton, Connecticut, \$8,720,000.
 Naval Hospital, Jacksonville, Florida, \$18,600,000.
 Naval Hospital, Long Beach, California, \$6,300,000.
 Naval Hospital, Oak Harbor, Washington, \$13,900,000.
 Naval Hospital, Pensacola, Florida, \$7,250,000.

Naval Hospital, San Diego, California, \$450,000.

CHIEF OF NAVAL MATERIAL

Puget Sound Naval Shipyard, Bremerton, Washington, \$30,945,000.
 Naval Supply Center, Bremerton, Washington, \$1,520,000.
 Naval Weapons Station, Charleston, South Carolina, \$3,230,000.
 Polaris Missile Facility, Atlantic, Charleston, South Carolina, \$1,620,000.
 Naval Air Rework Facility, Cherry Point, North Carolina, \$1,720,000.
 Naval Weapons Center, China Lake, California, \$9,315,000.
 Naval Weapons Station, Earle, New Jersey, \$3,720,000.
 Naval Construction Battalion Center, Gulfport, Mississippi, \$2,550,000.
 Naval Ordnance Station, Indian Head, Maryland, \$1,570,000.
 Naval Supply Center, Jacksonville, Florida, \$1,555,000.
 Naval Undersea Warfare Engineering Station, Keyport, Washington, \$2,440,000.
 Naval Submarine Base, Kings Bay, Georgia, \$404,060,000.
 Naval Air Engineering Center, Lakehurst, New Jersey, \$600,000.
 Long Beach Naval Shipyard, Long Beach, California, \$7,160,000.
 Naval Ordnance Station, Louisville, Kentucky, \$16,950,000.
 Naval Air Rework Facility, Norfolk, Virginia, \$13,080,000.
 Naval Supply Center, Norfolk, Virginia, \$2,350,000.
 Naval Air Rework Facility, North Island, California, \$9,465,000.
 Naval Supply Center, Oakland, California, \$7,890,000.
 Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, \$1,860,000.
 Navy Public Works Center, Pearl Harbor, Hawaii, \$13,700,000.
 Navy Public Works Center, Pensacola, Florida, \$8,430,000.
 Pacific Missile Test Center, Point Mugu, California, \$10,200,000.
 Naval Construction Battalion Center, Port Hueneme, California, \$21,570,000.
 Naval Ship Weapon Systems Engineering Station, Port Hueneme, California, \$10,780,000.
 Naval Electronic Systems Engineering Center, Portsmouth, Virginia, \$3,255,000.
 Norfolk Naval Shipyard, Portsmouth, Virginia, \$6,690,000.
 Naval Supply Center, San Diego, California, \$7,100,000.
 Naval Electronic Systems Engineering Activity, Saint Inigo, Maryland, \$15,550,000.
 Mare Island Naval Shipyard, Vallejo, California, \$815,000.
 Naval Mine Warfare Engineering Activity, Yorktown, Virginia, \$4,120,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanography Command Facility, Jacksonville, Florida, \$390,000.
 Naval Western Oceanography Center, Pearl Harbor, Hawaii, \$4,500,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Radio Station, Sugar Grove, West Virginia, \$785,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, \$980,000.
 Naval Security Group Activity, Northwest, Chesapeake, Virginia, \$1,385,000.
 Naval Security Group Activity, Skaggs Island, California, \$395,000.
 Naval Security Group Activity, Winter Harbor, Maine, \$3,280,000.

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7555

OUTSIDE THE UNITED STATES
UNITED STATES MARINE CORPS

Marine Corps Air Station, Iwakuni, Japan, \$1,775,000.
Marine Corps Air Station, Futenma, Okinawa, Japan, \$2,990,000.
Marine Corps Base Camp Smedley D. Butler, Okinawa, Japan, \$2,250,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Facility Argentina, Newfoundland; Canada, \$700,000.
Naval Facility Antigua, West Indies, \$2,410,000.
Naval Station, Guantanamo Bay, Cuba, \$22,410,000.
Naval Station, Keflavik, Iceland, \$21,780,000.
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, \$7,100,000.
Naval Station, Roosevelt Roads, Puerto Rico, \$14,700,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Cubi Point, Republic of the Philippines, \$19,200,000.
Navy Support Facility, Diego Garcia, Indian Ocean, \$16,530,000.
Naval Air Facility, Diego Garcia, Indian Ocean, \$22,450,000.
Naval Magazine, Guam, \$11,270,000.
Naval Supply Depot, Guam, \$6,550,000.
Naval Station, Guam, \$10,200,000.
Naval Ship Repair Facility, Guam, \$990,000.
Naval Magazine, Subic Bay, Republic of the Philippines, \$250,000.
Naval Ship Repair Facility, Subic Bay, Republic of the Philippines, \$13,270,000.

COMMANDER IN CHIEF, UNITED STATES NAVAL FORCES EUROPE

Naval Activities, London, United Kingdom, \$7,635,000.
Naval Support Activity, Naples, Italy, \$7,750,000.
Naval Station, Rota, Spain, \$1,030,000.
Naval Air Station, Sigonella, Italy, \$5,930,000.
Personnel Support Activity, London, United Kingdom, \$450,000.

CHIEF OF NAVAL MATERIAL

Navy Public Works Center, Guam, \$1,080,000.
Navy Public Works Center, Yokosuka, Japan, \$4,400,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station Western Pacific, Guam, \$8,330,000.
Naval Communication Station, Harold E. Holt, Exmouth, Australia, \$2,690,000.
Naval Communication Station, Rota, Spain, \$395,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Diego Garcia, Indian Ocean, \$3,700,000.

HOST NATION INFRASTRUCTURE SUPPORT

Various Locations, \$980,000.

FAMILY HOUSING

SEC. 2122. The Secretary of the Navy may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Naval Air Station, Adak, Alaska, one hundred units, \$15,500,000.
Marine Corps Air Station, El Toro, California, two hundred and eighty-two units, \$29,800,000.
Navy Public Works Center, San Diego, California, two hundred units, \$15,200,000.
Marine Corps Air-Ground Combat Center, Twentynine Palms, California, one hundred units, \$8,400,000.

Fleet Training Group Pacific, Warner Springs, California, forty-four units, \$4,400,000.

Naval Weapons Station, Earle, New Jersey, two hundred units, \$15,400,000.
Aviation Supply Office, Philadelphia, Pennsylvania, one unit, \$170,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, three hundred units, \$24,180,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 2123. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed \$34,020,000.

(b) The Secretary of the Navy may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out a project to improve three hundred and seventy-two existing military family housing units at the Navy Public Works Center, San Diego, California, in the amount of \$17,610,000.

TRANSIENT HOUSING UNITS, CHINHAE, KOREA

SEC. 2124. The Secretary of the Navy may convert the four existing transient housing units contained in Building 706 in Chinhae, Korea, to family housing units.

RESTRICTION ON FUNDING FOR NAVY STRATEGIC HOMEPORTING

SEC. 2125. Funds appropriated pursuant to an authorization in this title for Naval Strategic Homeporting may not be obligated or expended for such purpose until the Secretary of the Navy has submitted a report to the Congress stating the justification for the expenditure and a period of 90 days has elapsed after the day on which the report is received by the Congress.

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 2131. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, \$28,280,000.
Kelly Air Force Base, Texas, \$39,749,000.
McClellan Air Force Base, California, \$43,529,000.
Robins Air Force Base, Georgia, \$7,350,000.
Tinker Air Force Base, Oklahoma, \$31,500,000.
Wright-Patterson Air Force Base, Ohio, \$21,890,000.

AIR FORCE SYSTEMS COMMAND

Brooks Air Force Base, Texas, \$2,500,000.
Edwards Air Force Base, California, \$7,250,000.
Eglin Air Force Base, Florida, \$12,260,000.
Hanscom Air Force Base, Massachusetts, \$24,700,000.
Sunnyvale Air Force Station, California, \$2,700,000.

AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, \$12,370,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, \$1,730,000.
Goodfellow Air Force Base, Texas, \$27,500,000.
Keesler Air Force Base, Mississippi, \$10,500,000.
Lackland Air Force Base, Texas, \$22,750,000.

Laughlin Air Force Base, Texas, \$1,900,000.
Lowry Air Force Base, Colorado, \$6,850,000.
Mather Air Force Base, California, \$2,700,000.
Randolph Air Force Base, Texas, \$3,200,000.
Reese Air Force Base, Texas, \$3,250,000.
Sheppard Air Force Base, Texas, \$16,150,000.
Vance Air Force Base, Oklahoma, \$660,000.
Williams Air Force Base, Arizona, \$660,000.

AIR UNIVERSITY

Gunter Air Force Base, Alabama, \$6,000,000.
Maxwell Air Force Base, Alabama, \$5,200,000.

ALASKAN AIR COMMAND

Attu Research Site, Alaska, \$910,000.
Eielson Air Force Base, Alaska, \$19,450,000.
Elmendorf Air Force Base, Alaska, \$5,000,000.
King Salmon Airport, Alaska, \$8,600,000.
Shemya Air Force Base, Alaska, \$45,900,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, \$9,550,000.
Andrews Air Force Base, Maryland, \$10,120,000.
Base 24, Classified Location, \$6,170,000.
Bolling Air Force Base, District of Columbia, \$250,000.
Charleston Air Force Base, South Carolina, \$1,620,000.
Dover Air Force Base, Delaware, \$19,190,000.
Eglin Auxiliary Field 9, Florida, \$1,700,000.
Kirtland Air Force Base, New Mexico, \$60,330,000.
McCord Air Force Base, Washington, \$2,240,000.
McGuire Air Force Base, New Jersey, \$14,550,000.
Norton Air Force Base, California, \$4,570,000.
Pope Air Force Base, North Carolina, \$440,000.
Scott Air Force Base, Illinois, \$9,350,000.
Travis Air Force Base, California, \$10,300,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, \$480,000.
Wheeler Air Force Base, Hawaii, \$2,850,000.

SPACE COMMAND

Cape Cod Air Force Station, Massachusetts, \$600,000.
Cavaller Air Force Station, North Dakota, \$950,000.
Clear Air Force Station, Alaska, \$4,500,000.
Peterson Air Force Base, Colorado, \$5,200,000.

SPECIAL PROJECT

Various Locations, \$55,000,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, \$1,400,000.
Base 34, Classified Location, \$8,920,000.
Beale Air Force Base, California, \$5,850,000.
Belle Fourche Air Force Station, South Dakota, \$4,080,000.
Carswell Air Force Base, Texas, \$1,000,000.
Castle Air Force Base, California, \$3,300,000.
Dyess Air Force Base, Texas, \$16,950,000.

S 7556

CONGRESSIONAL RECORD — SENATE

June 5, 1985

Ellsworth Air Force Base, South Dakota, \$72,064,000.
 F.E. Warren Air Force Base, Wyoming, \$15,310,000.
 Grand Forks Air Force Base, North Dakota, \$62,730,000.
 Griffiss Air Force Base, New York, \$2,740,000.
 Grissom Air Force Base, Indiana, \$1,700,000.
 K.I. Sawyer Air Force Base, Michigan, \$22,580,000.
 Malmstrom Air Force Base, Montana, \$1,300,000.
 March Air Force Base, California, \$9,000,000.
 Minot Air Force Base, North Dakota, \$5,000,000.
 Offutt Air Force Base, Nebraska, \$10,440,000.
 Pease Air Force Base, New Hampshire, \$1,200,000.
 Plattsburgh Air Force Base, New York, \$1,050,000.
 Unspecified Location, \$71,490,000.
 Vandenberg Air Force Base, California, \$1,960,000.
 Whiteman Air Force Base, Missouri, \$2,250,000.
 Wurtsmith Air Force Base, Michigan, \$5,300,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, \$770,000.
 Cannon Air Force Base, New Mexico, \$12,500,000.
 Davis-Monthan Air Force Base, Arizona, \$5,730,000.
 England Air Force Base, Louisiana, \$2,600,000.
 George Air Force Base, California, \$5,240,000.
 Holloman Air Force Base, New Mexico, \$16,850,000.
 Homestead Air Force Base, Florida, \$7,015,000.
 Langley Air Force Base, Virginia, \$8,680,000.
 Luke Air Force Base, Arizona, \$14,780,000.
 MacDill Air Force Base, Florida, \$7,350,000.
 Moody Air Force Base, Georgia, \$24,030,000.
 Mountain Home Air Force Base, Idaho, \$14,600,000.
 Myrtle Beach Air Force Base, South Carolina, \$430,000.
 Nellis Air Force Base, Nevada, \$17,860,000.
 Seymour-Johnson Air Force Base, North Carolina, \$2,320,000.
 Shaw Air Force Base, South Carolina, \$13,300,000.
 Tyndall Air Force Base, Florida, \$8,780,000.

UNITED STATES AIR FORCE ACADEMY

Air Force Academy, Colorado, \$10,310,000.

OUTSIDE THE UNITED STATES

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, \$25,285,000.
 Rhein-Main Air Base, Germany, \$3,500,000.

PACIFIC AIR FORCES

Camp Zama, Japan, \$1,500,000.
 Kadena Air Base, Japan, \$27,650,000.
 Misawa Air Base, Japan, \$9,500,000.
 Yokota Air Base, Japan, \$10,400,000.
 Kimhae Air Base, Korea, \$10,400,000.
 Kunsan Air Base, Korea, \$9,000,000.
 Kwang-Ju Air Base, Korea, \$16,310,000.
 Osan Air Base, Korea, \$24,510,000.
 Sachon Air Base, Korea, \$310,000.
 Diego Garcia Air Base, Indian Ocean, \$5,300,000.
 Clark Air Base, Republic of the Philippines, \$15,050,000.

SPACE COMMAND

Thule Air Base, Greenland, \$12,350,000.
 Sondrestrom Air Base, Greenland, \$5,750,000.
 GEODSS Site 5, Portugal, \$14,650,000.
 Pirinçlik Air Station, Turkey, \$2,600,000.
 BMEWS Site III, Fylingdales, United Kingdom, \$3,100,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Panama, \$23,172,000.

UNITED STATES AIR FORCES IN EUROPE

Florennes Air Base, Belgium, \$5,860,000.
 Ahlhorn Air Base, Germany, \$350,000.
 Bitburg Air Base, Germany, \$9,050,000.
 Einsiedlerhof, Germany, \$2,900,000.
 Hahn Air Base, Germany, \$8,160,000.
 Hessisch Oldendorf Air Station, Germany, \$1,230,000.
 Kapaun Air Station, Germany, \$900,000.
 Leihpheim Air Base, Germany, \$350,000.
 Marienfelde Communications Station, Germany, \$2,550,000.
 Norvenich Air Base, Germany, \$350,000.
 Pruem Air Station, Germany, \$1,250,000.
 Ramstein Air Base, Germany, \$14,670,000.
 Sembach Air Base, Germany, \$6,460,000.
 Spangdahlem Air Base, Germany, \$14,860,000.
 Various Locations, Germany, \$940,000.
 Vogelweh Air Station, Germany, \$1,250,000.
 Wengierath Storage Site, Germany, \$1,700,000.
 Zweibrücken Air Base, Germany, \$5,700,000.
 Aviano Air Base, Italy, \$5,070,000.
 Comiso Air Station, Italy, \$6,280,000.
 Decimomannu Air Base, Italy, \$2,800,000.
 San Vito Air Station, Italy, \$1,590,000.
 Morocco, \$3,100,000.
 Camp New Amsterdam, The Netherlands, \$2,710,000.
 Keizerveer Air Base, The Netherlands, \$270,000.
 Vught, The Netherlands, \$310,000.
 Woensdrecht Air Base, The Netherlands, \$15,980,000.
 Torrejon Air Base, Spain, \$9,550,000.
 Zaragoza Air Base, Spain, \$2,750,000.
 Ankara Air Station, Turkey, \$950,000.
 Incirlik Air Base, Turkey, \$11,570,000.
 Karatas, Turkey, \$2,330,000.
 RAF Alconbury, United Kingdom, \$20,910,000.
 RAF Bentwaters, United Kingdom, \$12,050,000.
 RAF Chicksands, United Kingdom, \$1,630,000.
 RAF Fairford, United Kingdom, \$7,400,000.
 RAF Greenham Common, United Kingdom, \$2,200,000.
 RAF Lakenheath, United Kingdom, \$10,320,000.
 RAF Mildenhall, United Kingdom, \$4,080,000.
 RAF Molesworth, United Kingdom, \$21,063,000.
 RAF Sculthorpe, United Kingdom, \$2,350,000.
 RAF Upper Heyford, United Kingdom, \$4,640,000.
 Various Locations, United Kingdom, \$3,600,000.
 Base 25, Classified Location, \$4,500,000.
 Base 29, Classified Location, \$3,500,000.
 Base 30, Classified Location, \$4,830,000.
 Base 33, Classified Location, \$9,450,000.
 Various Locations, Europe, \$4,450,000.

FAMILY HOUSING

SEC. 2132. The Secretary of the Air Force may construct or acquire family housing units (including land acquisition and other related facilities) at the following installations in the number of units shown, and in the amount shown, for each installation:

Florennes, Belgium, four hundred units, \$29,200,000.
 Hahn Air Base, Germany, four hundred forty units, \$33,000,000.
 Ramstein Air Base, Germany, four hundred units, \$30,000,000.
 Osan Air Base, Korea, family housing support facilities, \$1,200,000.
 Camp New Amsterdam, The Netherlands, one hundred forty units, \$11,000,000.
 Clark Air Base, Republic of the Philippines, four hundred fifty units, \$37,900,000.
 Belle Fourche Air Force Station, South Dakota, fifty units, \$4,000,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 2133. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed \$61,300,000, of which \$19,939,000 is available only for energy conservation projects.

(b) The Secretary of the Air Force may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Bolling Air Force Base, District of Columbia, twenty-four units, \$1,200,000.
 Scott Air Force Base, Illinois, eighty units, \$4,006,000.
 Offutt Air Force Base, Nebraska, thirty-two units, \$2,873,000.
 Kirtland Air Force Base, New Mexico, one hundred and ten units, \$3,724,000.
 Ramstein Air Base, Germany, two hundred and eighty units, \$10,279,000.
 Andersen Air Force Base, Guam, one hundred units, \$6,605,000.
 Kadena Air Base, Japan, two hundred and thirty-five units, \$12,163,000.
 Clark Air Base, Republic of the Philippines, twenty-nine units, \$1,042,000.

RESTRICTION ON USE OF FUNDS FOR CONSTRUCTION OF FACILITIES IN THE NETHERLANDS

SEC. 2134. Funds appropriated to the Air Force pursuant to an authorization in section 2131 for the construction of facilities in The Netherlands to support ground launched cruise missiles (GLCM) may not be obligated or expended until the Government of The Netherlands has officially approved the deployment of such missiles in The Netherlands.

RESTRICTIONS ON USE OF FUNDS FOR CONSTRUCTION OF BEDDOWN FACILITIES FOR B-1 BOMBER AIRCRAFT

SEC. 2135. Funds appropriated pursuant to the authorization of funds in section 2131 for construction at an unspecified location within the Strategic Air Command may not be obligated or expended for the construction or installation of facilities for the bed-down of B-1 bomber aircraft until (1) the Secretary of the Air Force has notified the Committees on Armed Services of the Senate and the House of Representatives of the name of the military installation at which the funds are to be used for such purpose and of the justification for the selection of that installation, and (2) a period of 21 days has elapsed after the day on which the notice and justification have been received by the Committees.

SPECIAL IMPACT ASSISTANCE TO CERTAIN SCHOOL DISTRICTS

SEC. 2136. The Secretary of the Air Force may use not more than \$50,000 of the funds appropriated to the Air Force for fiscal year 1986 for land acquisition for expansion of

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7557

the Melrose Air Force Range, New Mexico, to provide assistance, by grant or otherwise, to school districts in communities near the Melrose Air Force Range for purposes of mitigating any adverse impact on the schools in such districts determined by the Secretary to result from expansion of the range.

SPECIAL IMPACT AID FOR THE DOUGLAS SCHOOL DISTRICT IN BOX ELDER, SOUTH DAKOTA

SEC. 2137. The Secretary of the Air Force may use not to exceed \$600,000 of the funds appropriated to the Air Force for fiscal year 1986 for Ellsworth Air Force Base, South Dakota, under section 2131 to provide assistance, by grant or otherwise, to the Douglas School District located in Box Elder, South Dakota, for the purpose of mitigating any adverse impact on the schools of such school district.

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

SEC. 2141. The Secretary of Defense may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations:

**INSIDE THE UNITED STATES
DEFENSE LOGISTICS AGENCY**

Defense Property Disposal Office, Anchorage, Alaska, \$1,390,000.
Defense Property Disposal Office, Alameda, California, \$1,320,000.

Defense Property Disposal Office, Barstow, California, \$825,000.

Defense Fuel Support Point, San Diego, California, \$600,000.

Defense Fuel Support Point, San Pedro, California, \$700,000.

Defense Property Disposal Office, Groton, Connecticut, \$625,000.

Defense Fuel Support Point, Port Tampa, Florida, \$595,000.

Defense Property Disposal Office, Fort Riley, Kansas, \$965,000.

Defense Fuel Support Point, Newington, New Hampshire, \$1,040,000.

Defense Fuel Support Point, Verona, New York, \$1,395,000.

Defense Depot, Mechanicsburg, Pennsylvania, \$470,000.

Defense Depot, Memphis, Tennessee, \$8,085,000.

Defense Property Disposal Office, Texarkana, Texas, \$2,635,000.

Defense Depot, Ogden, Utah, \$3,825,000.

Defense Property Disposal Office, Hill Air Force Base, Ogden, Utah, \$750,000.

Defense General Supply Center, Richmond, Virginia, \$5,355,000.

Defense Property Disposal Office, Richmond, Virginia, \$650,000.

Defense Fuel Support Point, Manchester, Washington, \$565,000.

Defense Property Disposal Office, F.E. Warren Air Force Base, Cheyenne, Wyoming, \$1,020,000.

DEFENSE MAPPING AGENCY

Repromat Secure Storage Facility, Mineral Wells, Texas, \$900,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, \$82,142,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, \$12,000,000.

Classified Location, \$3,142,000.

Fort McNair, Washington, District of Columbia, \$25,000,000.

DEPARTMENT OF DEFENSE SECTION 6 SCHOOLS

Fort Benning, Georgia, \$1,693,000.

Fort Bragg, North Carolina, \$5,660,000.

Camp Lejeune, North Carolina, \$8,400,000.

Myrtle Beach Air Force Base, South Carolina, \$1,400,000.

Quantico, Virginia, \$3,500,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Kaiserslautern, Germany, \$360,000.

Defense Fuel Support Point, Chimu Wan, Okinawa, Japan, \$8,160,000.

Defense Fuel Support Point, Tsurumi, Japan, \$2,800,000.

Defense Fuel Support Point, Pyongtaek, Korea, \$5,820,000.

Defense Fuel Support Point, Uijongbu, Korea, \$6,200,000.

NATIONAL SECURITY AGENCY

Classified Locations, \$7,150,000.

DEPARTMENT OF DEFENSE SECTION 6 SCHOOLS

Fort Buchanan, Puerto Rico, \$9,753,000.

Roosevelt Roads Naval Station, Puerto Rico, \$1,200,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Florennes, Belgium, \$7,420,000.

Naval Air Station, Bermuda, \$2,290,000.

Babenhausen, Germany, \$760,000.

Bamberg, Germany, \$5,800,000.

Butzbach, Germany, \$3,420,000.

Hanau, Germany, \$7,480,000.

Heidelberg, Germany, \$1,910,000.

Heilbronn, Germany, \$2,520,000.

Pirmasens, Germany, \$1,630,000.

Schweinfurt, Germany, \$3,930,000.

Sembach Air Base, Germany, \$2,170,000.

Vilseck, Germany, \$6,680,000.

Signonella, Italy, \$5,360,000.

Misawa Air Base, Japan, \$4,780,000.

Okinawa, Japan, \$745,000.

Osan Air Base, Korea, \$2,780,000.

Pusan, Korea, \$1,540,000.

Taegu, Korea, \$730,000.

Soesterberg Air Base, The Netherlands, \$4,460,000.

Clark Air Base, Republic of the Philippines, \$7,190,000.

Rota, Spain, \$2,870,000.

Bicester, United Kingdom, \$4,570,000.

Upwood, United Kingdom, \$3,240,000.

Woodbridge RAF Station, United Kingdom, \$1,060,000.

FAMILY HOUSING

SEC. 2142. The Secretary of Defense may construct or acquire twenty family housing units (including land acquisition) at classified locations in the total amount of \$1,800,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 2143. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve existing military family housing units in an amount not to exceed \$110,000.

RESEARCH AND ENGINEERING FACILITY AT THE NATIONAL SECURITY HEADQUARTERS COMPOUND

SEC. 2144. (a) The Secretary of Defense may contract, in advance of appropriation therefor, for the design and construction of the research and engineering facility authorized for the National Security Agency by section 2141 which is to be located at the headquarters compound of such agency, Fort Meade, Maryland.

(b) Notwithstanding section 2166(a)(1), the authorization to design and construct the research facility referred to in subsection (a) shall remain available until the completion of the facility.

CONTINUATION OF UNSPECIFIED MINOR CONSTRUCTION

SEC. 2145. It is the sense of Congress that as a general rule unspecified minor construction continue to be authorized and appropriated on a lump sum basis as has been the case prior to the Continuing Appropriations Resolution for fiscal year 1985.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

SEC. 2151. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the amount authorized to be appropriated in section 2165.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 2161. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$3,141,513,000 as follows:

(1) For military construction projects authorized by section 2101 that are to be carried out inside the United States, \$1,106,950,000.

(2) For military construction projects authorized by section 2101 that are to be carried out outside the United States, \$488,170,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$31,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$144,300,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, \$288,080,000; and

(B) for support of military family housing, \$1,271,094,000, of which not more than \$1,520,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than \$132,047,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Army that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2101 in the amount of \$136,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2101 may not exceed the sum of the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, NAVY

SEC. 2162. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,345,003,000 as follows:

(1) For projects authorized by section 2121 that are to be carried out inside the United States, \$1,217,589,000.

(2) For projects authorized by section 2121 that are to be carried out outside the United States, \$221,195,000.

S 7558

CONGRESSIONAL RECORD — SENATE

June 5, 1985

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$21,560,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$141,860,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$2,960,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$154,000,000; and

(B) for support of military family housing \$585,839,000.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Navy that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2121 in the amount of \$100,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2121 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

Sec. 2163. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,624,041,000 as follows:

(1) For military construction projects authorized by section 2131 that are to be carried out inside the United States, \$1,036,707,000.

(2) For projects authorized by section 2131 that are to be carried out outside the United States, \$449,100,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$22,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$144,096,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$30,240,000.

(6) For support of military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$212,600,000; and

(B) for support of military family housing, \$729,298,000, of which not more than \$48,113,000 may be obligated or expended for leasing of military family housing units.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Air Force that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2131 in the amount of \$100,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2131 may not exceed the total amount authorized to be appropriated under paragraphs

(1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

Sec. 2164. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Defense (other than the military departments), in the total amount of \$269,000,000 as follows:

(1) For military construction projects authorized by section 2141 that are to be carried out inside the United States, \$103,102,000.

(2) For projects authorized by section 2141 that are to be carried out outside the United States, \$106,598,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$4,000,000.

(4) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, \$5,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$30,000,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$1,910,000; and

(B) for support of military family housing, \$18,390,000.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Defense Agencies that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2141 in the amount of \$37,025,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2141 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, NATO

Sec. 2165. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of construction projects for the North Atlantic Treaty Organization infrastructure program, as authorized by section 2151, in the amount of \$38,000,000.

(b) There are hereby authorized to be transferred to amounts appropriated for North Atlantic Treaty Organization Infrastructure for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, \$60,000,000, to be derived from amounts appropriated for North Atlantic Treaty Organization Infrastructure for fiscal year 1985 remaining available for obligation.

EXPIRATION OF AUTHORIZATIONS; EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

Sec. 2166. (a)(1) Except as provided in paragraph (2), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO infrastructure program (and authorizations of appropriations

therefore contained in sections 2161 through 2165), shall expire on October 1, 1987, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO infrastructure program (and authorizations of appropriations therefore), for which appropriated funds have been obligated before October 1, 1987, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO infrastructure program.

(b) Notwithstanding the provisions of section 2167(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 780), authorizations for the following projects authorized in sections 101, 201, and 301 of that Act shall remain in effect until October 1, 1986, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1987, whichever is later:

(1) Consolidated heating system in the amount of \$1,850,000 at Stuttgart, Germany.

(2) Consolidated heating system in the amount of \$1,750,000 at Stuttgart, Germany.

(3) Range modernization in the amount of \$2,450,000 at Wildflecken, Germany.

(4) Unaccompanied personnel housing in the amount of \$1,400,000 at Argyroupolis, Greece.

(5) Operations building in the amount of \$370,000 at Argyroupolis, Greece.

(6) Multipurpose recreation facility in the amount of \$480,000 at Argyroupolis, Greece.

(7) Unaccompanied officer housing in the amount of \$600,000 at Perivolaki, Greece.

(8) Operations building in the amount of \$410,000 at Perivolaki, Greece.

(9) Multipurpose recreation facility in the amount of \$620,000 at Perivolaki, Greece.

(10) Physical fitness training center in the amount of \$1,000,000 at Elefsis, Greece.

(11) Operations control center in the amount of \$7,800,000 at the Naval Air Station, Brunswick, Maine.

(12) Engine test cell modifications in the amount of \$1,180,000 at the Naval Air Station, Cecil Field, Florida.

(13) Land acquisition in the amount of \$830,000 at the Naval Weapons Station, Concord, California.

(14) Standby generator plant in the amount of \$4,500,000 at the Naval Communications Area Master Station Eastern Pacific, Honolulu, Hawaii.

(15) Air freight terminal in the amount of \$10,200,000 at Elmendorf Air Force Base, Alaska.

ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

Sec. 2167. For projects or contracts initiated during the period beginning on the date of the enactment of this Act or October 1, 1985, whichever is later, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1987 or October 1, 1986, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is \$1,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under sec-

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7559

tion 2807 of title 10, United States Code, is \$300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is \$30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is \$10,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is \$16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(c) of title 10, United States Code, is 32,000.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is \$250,000.

EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS

Sec. 2168. Titles I, II, III, IV, and V of this division shall take effect on October 1, 1985.

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

Sec. 2171. There are authorized to be appropriated for fiscal years beginning after September 30, 1985, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$100,200,000; and

(B) for the Army Reserve, \$69,400,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, \$50,800,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$127,555,000; and

(B) for the Air Force Reserve, \$65,500,000.

TITLE VIII—GENERAL PROVISIONS

LAND ACQUISITION

Sec. 2181. (a) Section 2672 of title 10, United States Code, is amended—

(1) by striking out “The” at the beginning of such section and inserting in lieu thereof “(a) Subject to subsection (b), the”;

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by striking out “\$100,000” each place it appears and inserting in lieu thereof “\$400,000”; and

(4) by adding at the end thereof the following new subsection:

“(b) The Secretary of a military department may not enter into a contract under this section for the acquisition of any interest in land the cost of which exceeds \$100,000 unless (1) the Secretary has notified the appropriate committees of Congress of his intent to acquire such interest, the cost of the interest, and the reasons for acquiring it, and (2) a period of 21 days has elapsed from the date the notification is received by the committees.”.

(b)(1) The heading of such section is amended by striking out “\$100,000” and inserting in lieu thereof “\$400,000”.

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out “\$100,000” in the item relating to section 2672 and inserting in lieu thereof “\$400,000”.

OCCUPANT LIABILITY

Sec. 2182. (a) Section 2775 of title 10, United States Code, is amended—

(1) by striking out the heading and inserting in lieu thereof the following:

“§ 2775. Liability of members assigned to military housing”;

(2) in subsection (a), by inserting “(1)” after “(a)”;

(3) by adding at the end of subsection (a) the following new paragraph:

“(2) Upon moving out of a family housing unit that has been assigned to or provided a member of the armed forces, the member shall be responsible for leaving such unit in a satisfactorily clean condition (as provided in regulations prescribed by the Secretary of Defense). A member who moves out of a housing unit and fails to leave the unit in a satisfactorily clean condition shall be liable to the United States for the cost of having the unit properly cleaned.”;

(4) in subsection (b), by inserting “in determinations of liability under subsection (a)(1)” after “involved”;

(5) in subsection (c)(1), by striking out “subsection (a)(1)” and inserting in lieu thereof “subsection (a)(1) or for the cost of any cleaning made necessary by a failure to clean a family housing unit, as provided in subsection (a)(2),”;

(6) in subsection (d), by inserting “or failure to satisfactorily clean” after “damage to”; and

(7) in subsection (e), by striking out “and (2)” and inserting in lieu thereof “(2) regulations for determining the cost of cleaning made necessary as a result of the failure to clean a family housing unit as provided in subsection (a)(2), and (3).”.

(b) The table of sections at the beginning of chapter 165 of such title is amended by striking out the item relating to section 2775 and inserting in lieu thereof the following:

“2775. Liability of members assigned to military housing.”.

UNSPECIFIED MINOR CONSTRUCTION

Sec. 2183. Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out “Within the amount authorized by law for such purpose, the” and inserting in lieu thereof “The”; and

(2) in subsection (c), by striking out “Only funds authorized for minor construction projects may be used to accomplish unspecified minor construction projects, except that the” and inserting in lieu thereof “The”.

ACTIVITIES INCLUDED WITHIN AUTHORIZATIONS FOR MILITARY FAMILY HOUSING

Sec. 2184. (a) Section 2821(c) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(c)”;

(2) by redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively; and

(3) by adding at the end thereof the following new paragraphs:

“(2) Amounts authorized by law for the construction and acquisition of military family housing and facilities include amounts for (A) minor construction, and (B) relocation of military family housing units under section 2827 of this title.

“(3) Amounts authorized by law for support of military family housing include amounts for (A) operating expenses, (B) leasing expenses, (C) maintenance of real property expenses, (D) payments of principal and interest on mortgage debts incurred, and (E) payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m).”.

PREOCCUPANCY TERMINATION COSTS

Sec. 2185. Section 2828(d) of title 10, United States Code, is amended by inserting “plus a construction period not longer than 36 months” after “ten years”.

LEASING AND RENTAL GUARANTEE PROGRAM FOR MILITARY FAMILY HOUSING

Sec. 2186. (a) Section 2828(g) of title 10, United States Code, is amended—

(1) by striking out paragraphs (7) and (8);

(2) by redesignating paragraph (9) as paragraph (7); and

(3) by striking out “October 1, 1985” in paragraph (7), as redesignated by clause (2) of this subsection, and inserting in lieu thereof “October 1, 1986”.

(b) Section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended—

(1) by striking out subsections (f) and (g);

(2) by redesignating subsection (h) as subsection (f); and

(3) by striking out “September 30, 1985” in subsection (f), as redesignated by clause (2) of this subsection, and inserting in lieu thereof “September 30, 1986”.

PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS

Sec. 2187. (a) Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter II the following new section:

“§ 2833. Participation in Department of State housing pools

“(a) The Secretary concerned may enter into an agreement with the Secretary of State under which the Secretary of State agrees to provide housing and related services for personnel under the jurisdiction of the Secretary concerned who are assigned to duty in a foreign country if the Secretary concerned determines (1) that there is a shortage of adequate housing in the area of the foreign country in which such personnel are assigned to duty, and (2) that participation in the Department of State housing pool is the most cost-effective means of providing housing for such personnel. The Secretary concerned shall reimburse the Secretary of State, as provided in the agreement, for housing and related services furnished personnel under the jurisdiction of the Secretary concerned.

“(b) Agreements entered into with the Secretary of State under this section may not be executed until (1) the Secretary concerned provides to the appropriate committees of Congress written notification of the facts concerning the proposed agreement, and (2) a period of 21 days has elapsed after the day on which the notification is received by the committees.

“(c) In computing the number of leases for which the maximum lease amount may be waived by the Secretary concerned under the second sentence of section 2828(e)(1) of this title, housing made available to the Department of Defense under this section shall not be included.”.

(b) The table of sections at the beginning of such subchapter is amended by adding at the end thereof the following new item:

“2833. Participation in Department of State housing pools.”.

SALE AND REPLACEMENT OF NONEXCESS REAL PROPERTY

Sec. 2188. (a) Section 807(c) of the Military Construction Authorization Act, 1984 (Public Law 98-115), is amended by striking out “October 1, 1985” and inserting in lieu thereof “October 1, 1986”.

(b) The Secretary of Defense is authorized to carry out sale and replacement transactions under the authority of section 2667a

of title 10, United States Code, with respect to (1) warehousing facilities at Schofield Barracks, Hawaii, and (2) a noncommissioned officers' professional education center, a band center, and a combat operations center at March Air Force Base, California.

PROPERTY MANAGEMENT

SEC. 2189. (a) The Administrator of General Services shall transfer approximately 10.5 acres of surplus land adjacent to Fort McNair, Washington, D.C., to the Secretary of the Army, without reimbursement, for use by the Secretary in connection with the National Defense University.

(b) The Administrator of General Services shall reacquire, pursuant to section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)), approximately 50 acres of a larger tract of land near Fort MacArthur, California, which was conveyed by the United States to the city of Los Angeles, California, for use as a public park. Upon the reacquisition of 50 acres of such tract of land, the Administrator shall transfer such acreage to the Secretary of the Air Force, without reimbursement, for use by the Secretary for military family housing.

SALE OF REAL PROPERTY AT FORT JACKSON, SOUTH CAROLINA

SEC. 2190. (a) Subject to subsections (b) through (i), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") may sell that tract of land which comprises a portion of Fort Jackson, South Carolina, known as the Gregg Circle Area, consisting of 300 acres more or less.

(b) Before the Secretary may enter into a contract for the sale of the property referred to in subsection (a), the prospective buyer of such land must—

(1) submit to the Secretary a master plan for the development of the land that is acceptable to both the Secretary and the appropriate officials of the city of Columbia, South Carolina;

(2) enter into an agreement with the Secretary under which the prospective buyer agrees—

(A) to construct up to 400 units of family housing on such land and to lease such housing to the Army subject to the conditions provided in subsection (c);

(B) to construct such housing in accordance with specifications and standards prescribed by the Secretary at the time the land is offered for sale; and

(C) to have such housing ready for occupancy not later than 2 years after the date of the conveyance of such land to the prospective buyer.

(c) A lease entered into under this section between the Secretary and a buyer of the land shall provide that at the expiration of the lease the Secretary shall have the option to—

(1) renew the lease for an additional period of up to 20 years (subject to any mutually agreed upon revisions of the lease);

(2) not renew the lease; or

(3) acquire the leased housing (including the land on which the housing is located) for an amount agreed upon by the Secretary and the buyer at the time of the sale of the land.

(d) In lieu of the requirement under subsection (b)(1) that the buyer agree to lease to the Army up to 400 units of family housing, the Secretary may, as a condition of the sale of the land, require the prospective buyer to agree to construct on the land to be conveyed under this section and to set aside, for rental by military personnel, up to 400 units of housing. In exchange, the Secretary shall agree to guarantee the rental of up to 95 percent of the set-aside units at a

rental price agreed upon in advance of the sale of the land. The conditions specified in clauses (1), (2)(B), and (2)(C) of subsection (b) shall apply to an agreement entered into under this subsection.

(e) The sale of the land referred to in subsection (a) shall be carried out under publicly advertised, competitively bid, or competitively negotiated contracting procedures. However, the Secretary shall have full authority to accept from among the offers tendered by prospective buyers the offer which the Secretary determines to be in the best interest of the United States. In no event may the land be sold for less than its fair market value.

(f) Before any contract for the sale of the land referred to in subsection (a) is entered into under this section, the Secretary shall submit a report to the appropriate committees of the Congress containing complete details of the procedures used in selecting a buyer for the land and a period of 21 days has expired following the day on which the report is received by such committees.

(g)(1) The Secretary may use the proceeds from the sale of the land referred to in subsection (a)—

(A) to provide access routes to facilities at Fort Jackson for military personnel housed or to be housed in the housing units to be constructed on such land; and

(B) to construct necessary facilities for up to 100 mobile trailer home sites at Fort Jackson.

(2) Any proceeds of the sale not used for such purposes shall be covered into the general fund of the Treasury.

(h) The exact acreage and legal description of the land to be conveyed under this section shall be determined by a survey approved by the Secretary.

(i) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

SEC. 2191. None of the funds appropriated pursuant to an authorization contained in this Act shall be available for any project for which all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have not been completed as of March 29, 1985, unless—

(1) the Secretary of Defense or the Secretary of the appropriate military department certifies to the appropriate committees of Congress in writing after such date that all the requirements of such Act have been complied with for such project; and

(2) a period of 21 days has elapsed following the date on which such certification is received by the committees.

CONVEYANCE OF CERTAIN LAND AT MARCH AIR FORCE BASE, CALIFORNIA

SEC. 2192. (a) Subsection (a) of section 835 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1527) is amended—

(1) by striking out "Village West Foundation" and inserting in lieu thereof "Air Force Village West"; and

(2) by striking out "'Foundation') of San Bernardino" and inserting in lieu thereof "'Corporation', of Riverside".

(b) Subsections (b), (d), (e), and (g) of section 835 of such Act are amended by striking out "Foundation" each place it appears and inserting in lieu thereof "Corporation".

(c) Section 835 of such Act is further amended by adding at the end thereof the following new subsection:

"(h) The land conveyed pursuant to this section may be used as security for financing the construction of facilities on such

land for the Corporation as if such land had been conveyed to the Corporation in fee simple. In the event of a default by the Corporation on a loan secured by such land, nothing in this section shall affect the right of a mortgagee or other holder of a security interest to acquire, dispose of, or direct the disposal through public sale of, such land and improvements thereon free of any restriction otherwise imposed by this section."

AVIGATION RIGHTS ON SANTA ROSA ISLAND, FLORIDA

SEC. 2193. The Act entitled "An Act to authorize the Secretary of the Army to sell and convey to Okaloosa County, State of Florida, all right, title, and interest in the United States in and to a portion of Santa Rosa Island, Florida, and for other purposes", approved July 2, 1948 (62 Stat. 1229) is amended by adding at the end thereof the following new section:

"Sec. 5. The prohibition contained in subdivision d. of the first section against the erection of any structure or obstacle on the land conveyed under this Act in excess of seventy-five feet above mean low-water level shall be deemed to be a prohibition against the erection of a structure or obstacle in excess of two hundred feet above mean low-water level in the case of that portion of such land on Santa Rosa Island which is east of the Destin East Pass and is now known as Holiday Isle."

USE OF WATERFRONT FACILITIES AT PORT HUENEME, CALIFORNIA

SEC. 2194. Notwithstanding any other provision of law, funds received by the Navy from its license agreement with the Oxnard Harbor District covering use of waterfront facilities on an as-available basis at the Naval Construction Battalion Center, Port Hueneme, California, may be used for operation and maintenance of waterfront facilities at the installation.

TRANSFER OF LAND OF ARLINGTON HALL STATION TO THE DEPARTMENT OF STATE

SEC. 2195. Upon the relocation of the Army Intelligence and Security Command and other Defense activities from Arlington Hall Station to new quarters, the Secretary of the Army shall transfer approximately 72 acres of the tract of land known as Arlington Hall Station, together with improvements thereon, to the Secretary of State, without reimbursement, to be used as a center for training foreign affairs, as authorized by chapter 7 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4021-4026), and for other purposes as deemed appropriate by the Secretary of State.

LAND CONVEYANCE, NAVAL WEAPONS CENTER, CHARLESTON, SOUTH CAROLINA

SEC. 2196. (a) Subject to subsections (b) through (g), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Westvaco Corporation (hereinafter in this section referred to as "Westvaco") all right, title, and interest of the United States in and to approximately 47.83 acres of improved land comprising that portion of the Naval Weapons Station, Charleston, South Carolina, located at Remount Road and Virginia Avenue, in the City of North Charleston, South Carolina.

(b) In consideration for the conveyance authorized by subsection (a), Westvaco shall pay—

(1) all costs for the construction of facilities necessary to replace those on the land to be conveyed to Westvaco under subsection (a) and the cost of relocating personnel and equipment to the replacement facilities; and

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7561

(2) an amount equal to the excess, if any, of the fair market value of the land and improvements conveyed under subsection (a) over the sum of the construction costs of the replacement facilities and the cost of relocating personnel and equipment to the replacement facilities.

(c) The replacement facilities referred to in subsection (b)(1) shall be constructed by the Navy on the Naval Weapons Station referred to in subsection (a) on a site to be selected by the Secretary.

(d) The Secretary is authorized to receive, obligate, and disburse funds received from Westvaco to cover design, construction, relocation, and related costs specified in a memorandum of understanding agreed to by the Secretary and Westvaco, dated April 17, 1985.

(e) Upon completion of the replacement facilities referred to in subsection (b)(1) and the payment by Westvaco of all agreed upon costs the Navy shall promptly vacate and convey to Westvaco the property referred to in subsection (a).

(f) The exact acreage and legal description of any land to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by Westvaco.

(g) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

TEST OF LONG-TERM FACILITIES CONTRACTS

SEC. 2197. (a) Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter I the following new section:

“§2809. Test of long-term facilities contracts.

“(a)(1) The Secretary concerned may enter into contracts for the construction, management, and operation of facilities on or near a military installation in the United States for the provision of child care services, industrial waste water treatment or depot supply activities in cases where the Secretary concerned determines that the facilities can be more efficiently and more economically provided under a long-term contract than by other appropriate means.

“(2) Each contract entered into under subsection (a) shall be awarded through the use of competitive procedures as provided in chapter 137 of this title.

“(3) A contract under this section may be for any period not in excess of twenty years, excluding the period for construction. A contract under this section shall include a provision that the obligation of the United States to make payments under the contract in any fiscal year is subject to the availability of appropriations for that purpose.

“(4) A contract may not be entered into under this section until—

“(A) the Secretary concerned submits to the appropriate committees of the Congress, in writing, a justification of the need for the facility for which the contract is to be awarded and an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost effective when compared with alternative means of furnishing the same facility; and

“(B) a period of twenty-one calendar days has expired following the date on which the justification and the economic analysis are received by the committees.

“(b) Each Secretary concerned may enter into not more than five contracts under the authority of subsection (a) of this section, other than contracts for child care centers.

“(c) The authority to enter into contracts under this section shall expire on September 30, 1987, but shall not affect the validity

of any contract entered into under the authority of this section prior to that date.”.

(b) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end thereof the following new item:

“2809. Test of long-term facilities contracts.”.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AND MILITARY APPLICATIONS OF NUCLEAR ENERGY AUTHORIZATION

SHORT TITLE

SEC. 3001. This division may be cited as the “National Security Programs Authorization Act for Fiscal Year 1986”.

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 3101. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1986 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, \$3,445,400,000, to be allocated as follows:

(A) For research and development, \$850,300,000.

(B) For weapons testing, \$524,000,000.

(C) For the defense inertial confinement fusion program, \$145,000,000.

(D) For production and surveillance, \$1,862,400,000.

(E) For program direction, \$63,700,000.

(2) For defense nuclear materials production, \$1,551,300,000, to be allocated as follows:

(A) For uranium enrichment, \$208,900,000.

(B) For production reactor operations, \$576,380,000.

(C) For processing of defense nuclear materials, \$488,145,000.

(D) For supporting services, \$256,575,000.

(E) For program direction, \$21,300,000.

(3) For defense nuclear waste and byproduct management, \$395,122,000, to be allocated as follows:

(A) For interim waste management, \$271,085,000.

(B) For long-term waste management technology, \$96,567,000.

(C) For terminal waste storage, \$25,070,000.

(D) For program direction, \$2,400,000.

(4) For verification and control technology, \$93,475,000, of which \$3,800,000 shall be used for program direction, and of which \$2,000,000 shall be used to conduct research and development programs to improve arms control verification technology and to establish an office in the Argonne National Laboratory, Argonne, Illinois, to conduct such programs.

(5) For nuclear materials safeguards and security technology development, \$54,325,000, of which \$6,925,000 shall be used for program direction.

(6) For security investigations, \$33,400,000.

(7) For naval reactors development, \$489,000,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 3102. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1986 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not re-

lated to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 86-D-101, general plant projects, various locations, \$26,900,000.

Project 86-D-121, general plant projects, various locations, \$28,700,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$3,700,000.

Project 86-D-104, strategic defense facility, Sandia National Laboratories, Albuquerque, New Mexico, \$8,000,000.

Project 86-D-122, structural upgrade of existing plutonium facilities, Rocky Flats Plant, Golden, Colorado, \$3,000,000.

Project 86-D-123, environmental hazards elimination, various locations, \$8,700,000.

Project 86-D-124, safeguards and site security upgrade, Phase II, Mound Plant, Miamisburg, Ohio, \$3,000,000.

Project 86-D-125, safeguards and site security upgrade, Phase II, Pantex Plant, Amarillo, Texas, \$1,500,000.

Project 86-D-130, Tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, \$5,000,000.

Project 86-D-131, Environmental Remedial Action, Lawrence Livermore National Laboratory, Livermore, California, \$8,800,000.

Project 86-D-132, Instrumentation Systems Laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$6,200,000.

Project 86-D-133, Data Communications Laboratory, Los Alamos National Laboratory, Los Alamos, New Mexico, \$3,000,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase I, various locations, \$71,600,000, for a total project authorization of \$107,000,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, \$16,400,000, for a total project authorization of \$21,100,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, \$19,200,000, for a total project authorization of \$26,800,000.

Project 85-D-106, hardened engineering test building, Lawrence Livermore National Laboratory, Livermore, California, \$1,900,000, for a total project authorization of \$2,700,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, \$15,300,000, for a total project authorization of \$19,800,000.

Project 85-D-113, powerplant and steam distribution system, Pantex Plant, Amarillo, Texas, \$18,500,000, for a total project authorization of \$23,000,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, \$17,700,000, for a total project authorization of \$20,600,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, \$14,000,000, for a total project authorization of \$19,000,000.

Project 85-D-123, safeguards and site security upgrade, Phase I, Pantex Plant, Amarillo, Texas, \$4,000,000, for a total project authorization of \$5,000,000.

Project 85-D-124, safeguards and site security upgrade, Rocky Flats Plant, Golden, Colorado, \$2,400,000, for a total project authorization of \$3,400,000.

Project 85-D-125, tactical bomb production facilities, various locations, \$6,000,000, for a total project authorization of \$16,000,000.

S 7562

CONGRESSIONAL RECORD — SENATE

June 5, 1985

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$15,500,000, for a total project authorization of \$37,500,000.

Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$12,100,000, for a total project authorization of \$19,300,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, \$20,540,000, for a total project authorization of \$55,940,000.

Project 84-D-112, TRIDENT II warhead production facilities, various locations, \$60,700,000, for a total project authorization of \$140,700,000.

Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, \$3,300,000, for a total project authorization of \$14,800,000.

Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, \$400,000, for a total project authorization of \$13,600,000.

Project 84-D-118, high-explosive subassembly facility, Pantex Plant, Amarillo, Texas, \$33,000,000, for a total project authorization of \$40,000,000.

Project 84-D-120, explosive component test facility, Mound Plant, Miamisburg, Ohio, \$2,300,000, for a total project authorization of \$22,300,000.

Project 84-D-211, safeguards and site security upgrade, Y-12 Plant, Oak Ridge, Tennessee, \$7,500,000, for a total project authorization of \$23,000,000.

Project 84-D-212, safeguards and site security upgrade, Pinellas Plant, Florida, \$3,800,000, for a total project authorization of \$7,500,000.

Project 83-D-199, buffer land acquisition, Lawrence Livermore National Laboratories, Livermore, California, \$7,000,000, for a total project authorization of \$24,000,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, \$170,000,000, for a total project authorization of \$714,900,000.

Project 82-D-111, interactive graphics systems, various locations, \$4,000,000, for a total project authorization of \$24,000,000.

Project 82-D-144, Simulation Technology Laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$10,300,000, for a total project authorization of \$34,000,000.

Project 79-7-0, Universal Pilot Plant, Pantex Plant, Amarillo, Texas, \$4,500,000, for a total project authorization of \$20,400,000.

(2) For materials production:

Project 86-D-146, general plant projects, various locations, \$29,800,000.

Project 86-D-149, productivity retention program, Phase I, various locations, \$24,200,000.

Project 86-D-150, in-core neutron monitoring system, N reactor, Richland, Washington, \$4,460,000.

Project 86-D-151, PUREX electrical system upgrade, Richland, Washington, \$2,500,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, \$2,000,000.

Project 86-D-153, additional line III furnace, Savannah River, South Carolina, \$1,500,000.

Project 86-D-154, effluent treatment facility, Savannah River, South Carolina, \$2,500,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, \$3,000,000.

Project 86-D-157, hydrofluorination system, FB-line, Savannah River, South Carolina, \$2,200,000.

Project 85-D-137, vault safety special nuclear material inventory system, Richland, Washington, \$1,900,000, for a total project authorization of \$4,400,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$12,000,000, for a total project authorization of \$22,000,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, \$12,000,000, for a total project authorization of \$18,000,000.

Project 85-D-145, fuel production facility, Savannah River, South Carolina, \$16,000,000, for a total project authorization of \$25,800,000.

Project 84-D-135, process facility modifications, Richland, Washington, \$12,000,000, for a total project authorization of \$29,500,000.

Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, \$7,200,000, for a total project authorization of \$19,600,000.

Project 83-D-148, non-radioactive hazardous waste management, Savannah River, South Carolina, \$3,100,000, for a total project authorization of \$22,100,000.

Project 82-D-124, restoration of production capabilities, Phases II, III, IV, and V, various locations, \$43,900,000, for a total project authorization of \$344,534,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, \$4,400,000, for a total project authorization of \$83,800,000.

(3) For defense waste and byproducts management:

Project 86-D-171, general plant projects, interim waste operations and long-term waste management technology, various locations, \$24,451,000.

Project 86-D-172, B plant F filter, Richland, Washington, \$1,000,000.

Project 86-D-173, central waste disposal facility, Oak Ridge, Tennessee, \$1,000,000.

Project 86-D-174, low-level waste processing and shipping system, Feed Materials Production Center, Fernald, Ohio, \$2,500,000.

Project 86-D-175, Idaho National Engineering Laboratory security upgrade, Idaho National Engineering Laboratory (INEL), Idaho, \$2,000,000.

Project 85-D-157, seventh calcined solids storage facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$14,500,000, for a total project authorization of \$21,500,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, \$5,000,000, for a total project authorization of \$5,700,000.

Project 85-D-159, new waste transfer facilities, H-Area, Savannah River, South Carolina, \$9,000,000, for a total project authorization of \$20,000,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory (INEL), Idaho, \$2,250,000, for a total project authorization of \$4,250,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, \$165,000,000, for a total project authorization of \$597,500,000.

(4) For verification and control technology:

Project 85-D-171, Space Science Laboratory, Los Alamos, New Mexico, \$4,500,000, for a total project authorization of \$5,500,000.

(5) Nuclear safeguards and security:
Project 86-D-186, Nuclear Safeguards Technology Laboratory, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

(6) For naval reactors development:

Project 86-N-101, general plant projects, various locations, \$7,500,000.

Project 86-N-104, reactor modifications, advance test reactor, Idaho National Engineering Laboratory, \$4,500,000.

Project 82-N-111, materials facility, Savannah River, South Carolina, \$11,000,000, for a total project authorization of \$176,000,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, \$27,000,000, for a total project authorization of \$137,000,000.

(7) For capital equipment not related to construction—

(A) for weapons activities, \$267,750,000;

(B) for materials production, \$113,440,000;

(C) for defense waste and byproducts management, \$38,997,000;

(D) for verification and control technology, \$5,600,000;

(E) for nuclear safeguards and security, \$4,600,000; and

(F) for naval reactors development, \$30,000,000.

TITLE II—RECURRING GENERAL PROVISIONS REPROGRAMING

SEC. 3121. (a) Except as otherwise provided in this division—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act, or \$10,000,000 more than the amount authorized for that program by this title, whichever is the lesser, and

(2) no amount appropriated pursuant to this division may be used for any program which has not been presented to, or requested of, the Congress,

unless the Secretary of Energy (hereinafter in this title referred to as the "Secretary") transmits to the appropriate committees of Congress a full and complete statement of the action proposed to be taken with respect to the program and the facts and circumstances relied upon in support of the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this division exceed the total amount authorized to be appropriated by this division.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 3122. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this division if the total estimated cost of the construction project does not exceed \$1,200,000.

(b) If at any time during the construction of any general plant project authorized by this division, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$1,200,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 3123. (a) Whenever the current estimated cost of a construction project which is authorized by section 3102 of this division, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent, the higher of—

(1) the amount authorized for the project, or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress,

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7563

construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

FUND TRANSFER AUTHORITY

Sec. 3124. To the extent specified in appropriation Acts, funds appropriated pursuant to this division may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

Sec. 3125. The Secretary may perform planning and design utilizing available funds for any Department of Energy national security program construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Sec. 3126. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this division for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

AVAILABILITY OF FUNDS

Sec. 3127. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

DIVISION D—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

Sec. 4101. There is hereby authorized to be appropriated for fiscal year 1986 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 251 et seq.) the sum of \$119,125,000.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the bill be printed, as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1986

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 92, S. 1042.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1042) to authorize certain construction at military installations for the fiscal year 1986, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

There being no objection, the Senate proceeded to consider the bill.

Mr. GOLDWATER. Mr. President, I ask unanimous consent to strike all after the enacting clause of S. 1042 and to insert in lieu thereof the text of division B of S. 1160, as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Construction Authorization Act, 1986".

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

Sec. 101. The Secretary of the Army may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, \$58,730,000.
Fort Campbell, Kentucky, \$26,200,000.
Fort Carson, Colorado, \$48,750,000.
Fort Hood, Texas, \$58,950,000.
Fort Hunter-Liggett, California, \$11,100,000.
Fort Indiantown Gap, Pennsylvania, \$5,300,000.
Fort Irwin, California, \$26,700,000.
Fort Lewis, Washington, \$124,280,000.
Fort McCoy, Wisconsin, \$940,000.
Fort Meade, Maryland, \$18,930,000.
Fort Ord, California, \$25,820,000.
Fort Polk, Louisiana, \$20,230,000.
Fort Richardson, Alaska, \$3,600,000.
Fort Riley, Kansas, \$49,290,000.
Fort Sam Houston, Texas, \$1,440,000.
Fort Sheridan, Illinois, \$3,500,000.
Fort Stewart, Georgia, \$29,600,000.
Fort Wainwright, Alaska, \$14,000,000.
Presidio of Monterey, California, \$2,650,000.
Yakima Firing Center, Washington, \$16,430,000.

UNITED STATES ARMY WESTERN COMMAND

Fort Shafter, Hawaii, \$6,300,000.
Pohakuloa Training Area, Hawaii, \$2,150,000.
Schofield Barracks, Hawaii, \$32,460,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort A.P. Hill, Virginia, \$6,450,000.
Fort Belvoir, Virginia, \$34,300,000.
Fort Benjamin Harrison, Indiana, \$5,300,000.
Fort Benning, Georgia, \$37,650,000.
Fort Bliss, Texas, \$26,500,000.
Fort Dix, New Jersey, \$6,100,000.
Fort Gordon, Georgia, \$46,040,000.
Fort Jackson, South Carolina, \$6,600,000.
Fort Knox, Kentucky, \$16,270,000.
Fort Leavenworth, Kansas, \$6,900,000.
Fort Lee, Virginia, \$12,050,000.
Fort Leonard Wood, Missouri, \$3,950,000.
Fort McClellan, Alabama, \$39,350,000.
Fort Pickett, Virginia, \$420,000.
Fort Rucker, Alabama, \$9,450,000.

Fort Sill, Oklahoma, \$52,000,000.
Fort Story, Virginia, \$1,950,000.

MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, \$8,300,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, \$4,670,000.
Anniston Army Depot, Alabama, \$8,960,000.
Corpus Christi Army Depot, Texas, \$4,400,000.
Detroit Arsenal, Michigan, \$320,000.
Dugway Proving Ground, Utah, \$8,650,000.
Navajo Depot Activity, Arizona, \$240,000.
Picatinny Arsenal, New Jersey, \$1,000,000.
Pine Bluff Arsenal, Arkansas, \$19,000,000.
Pueblo Depot Activity, Colorado, \$200,000.
Red River Army Depot, Texas, \$820,000.
Redstone Arsenal, Alabama, \$24,250,000.
Rock Island Arsenal, Illinois, \$29,000,000.
Sacramento Army Depot, California, \$4,550,000.
Savanna Army Depot, Illinois, \$510,000.
Seneca Army Depot, New York, \$1,410,000.
Sierra Army Depot, California, \$2,600,000.
Tooele Army Depot, Utah, \$11,490,000.
Umatilla Depot Activity, Oregon, \$260,000.
Yuma Proving Ground, Arizona, \$240,000.

AMMUNITION FACILITIES

Holston Army Ammunition Plant, Tennessee, \$1,670,000.
Indiana Army Ammunition Plant, Indiana, \$210,000.
Iowa Army Ammunition Plant, Iowa, \$810,000.
Kansas Army Ammunition Plant, Kansas, \$570,000.
Lake City Army Ammunition Plant, Missouri, \$930,000.
Louisiana Army Ammunition Plant, Louisiana, \$640,000.
Newport Army Ammunition Plant, Indiana, \$8,000,000.
Radford Army Ammunition Plant, Virginia, \$2,910,000.
Sunflower Army Ammunition Plant, Kansas, \$210,000.

UNITED STATES ARMY INFORMATION SYSTEMS COMMAND

Fort Huachuca, Arizona, \$2,050,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, \$31,000,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, \$7,600,000.
Tripler Army Medical Center, Hawaii, \$970,000.
Walter Reed Army Medical Center, Washington, District of Columbia, \$1,150,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Military Ocean Terminal, New Jersey, \$3,200,000.
Oakland Army Base, California, \$330,000.
Sunny Point Military Ocean Terminal, North Carolina, \$1,200,000.

UNITED STATES ARMY CORPS OF ENGINEERS

Humphreys Engineer Center, Supt. Activity, Virginia, \$11,000,000.

ASSISTANT CHIEF OF ENGINEERS

Various, United States, \$3,000,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, JAPAN
Japan, \$1,050,000.

EIGHTH UNITED STATES ARMY

Camp Carroll, Korea, \$40,380,000.
Camp Casey, Korea, \$12,920,000.
Camp Castle, Korea, \$1,100,000.
Camp Colbern, Korea, \$550,000.

S 7564

CONGRESSIONAL RECORD — SENATE

June 5, 1985

Camp Edwards, Korea, \$1,090,000.
Camp Gary Owen, Korea, \$580,000.
Camp Giant, Korea, \$1,050,000.
Camp Greaves, Korea, \$420,000.
Camp Hovey, Korea, \$8,300,000.
Camp Howze, Korea, \$1,980,000.
Camp Humphreys, Korea, \$11,600,000.
Camp Kittyhawk, Korea, \$1,600,000.
Camp Kyle, Korea, \$3,580,000.
Camp Liberty Bell, Korea, \$800,000.
Camp Market, Korea, \$710,000.
Camp Page, Korea, \$32,650,000.
Camp Pelham, Korea, \$2,400,000.
Camp Red Cloud, Korea, \$1,730,000.
Camp Stanley, Korea, \$5,500,000.
K-16 Army Airfield, Korea, \$4,050,000.
Location 177, Korea, \$740,000.
Yongin, Korea, \$2,550,000.
Yongson, Korea, \$9,800,000.

BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND
Kwajalein, \$14,600,000.

UNITED STATES ARMY FORCES COMMAND
OVERSEAS

Panama, \$7,680,000.

UNITED STATES ARMY, EUROPE AND SEVENTH
ARMY

Amberg, Germany, \$850,000.
Ansbach, Germany, \$14,390,000.
Bad Kreuznach, Germany, \$1,100,000.
Bad Toelz, Germany, \$1,850,000.
Bamberg, Germany, \$6,490,000.
Baumholder, Germany, \$900,000.
Darmstadt, Germany, \$29,200,000.
Frankfurt, Germany, \$18,680,000.
Friedberg, Germany, \$9,150,000.
Fulda, Germany, \$7,200,000.
Giessen, Germany, \$1,700,000.
Goepfingen, Germany, \$10,250,000.
Grafenwoehr, Germany, \$2,450,000.
Haingruen, Germany, \$680,000.
Hanau, Germany, \$48,140,000.
Heidelberg, Germany, \$8,800,000.
Heilbronn, Germany, \$2,950,000.
Hohenfels, Germany, \$6,300,000.
Kaiserslautern, Germany, \$3,450,000.
Karlsruhe, Germany, \$4,020,000.
Mainz, Germany, \$820,000.
Neu Ulm, Germany, \$1,000,000.
Nuernberg, Germany, \$9,360,000.
Pirmasens, Germany, \$14,000,000.
Schoeningen, Germany, \$700,000.
Schweinfurt, Germany, \$17,840,000.
Stuttgart, Germany, \$4,500,000.
Vilseck, Germany, \$10,290,000.
Wiesbaden, Germany, \$2,900,000.
Wildflecken, Germany, \$20,000,000.
Wuerzburg, Germany, \$48,070,000.
Various Locations, Greece, \$1,440,000.
Various Locations, Italy, \$1,850,000.
Various Locations, Turkey, \$7,440,000.

FAMILY HOUSING

Sec. 102. The Secretary of the Army may construct or acquire family housing units (including land acquisition) at the following installations in the number of units and mobile home spaces shown, and in the amount shown, for each installation:

Ford Ord, California, six hundred units and seventy mobile home spaces, \$50,640,000.

Fort Carson, Colorado, fifty mobile home spaces, \$712,000.

Fort Stewart, Georgia, twenty mobile home spaces, \$253,000.

Bamberg, Germany, one hundred six units, \$7,209,000.

Grafenwoehr, Germany, ninety-eight units, \$6,120,000.

Vilseck, Germany, three hundred seventy units, \$26,830,000.

Fort Riley, Kansas, fifty mobile home spaces, \$700,000.

Fort Campbell, Kentucky, fifty mobile home spaces, \$689,000.

Fort Bragg, North Carolina, two units by reconfiguration and fifty mobile home spaces, \$637,000.

Dugway Proving Ground, Utah, one hundred four units and twenty-four mobile home spaces, \$8,674,000.
Fort Myer, Virginia, six units, \$596,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING
UNITS

Sec. 103. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed \$166,000,000, of which \$10,950,000 is available only for energy conservation projects.

(b) The Secretary of the Army may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Walter Reed Army Medical Center, Washington, District of Columbia, one unit, \$99,000.

Fort Bragg, North Carolina, one hundred sixty-four units, \$4,712,000.

Aberdeen Proving Ground, Maryland, eighty-one units, \$2,762,000.

CONVEYANCE OF LAND AT FORT DERUSSY,
HAWAII

Sec. 104. (a) Notwithstanding any other provision of law, including but not limited to section 809 of the Military Construction Authorization Act, 1968, section 807(d) of the Military Construction Act, 1984, or any provision of an annual appropriation Act restricting the use of funds for the sale, lease, rental, or excessing of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii, the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to sell and convey, at the appraised fair market value as determined by the Secretary, all right title and interest of the United States in up to 45 acres of land and improvements northeast of Kalia Road comprising a portion of Fort DeRussy, Hawaii, to the city and county of Honolulu or the State of Hawaii, or their designated agencies, upon such terms and conditions as are acceptable to the Secretary. The exact acreages and legal descriptions of the property to be sold under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such surveys shall be borne by the buyer.

(b) The Secretary is authorized to acquire land and design and construct such facilities as are necessary to replace those on the land to be sold pursuant to subsection (a). The Secretary is also authorized to relocate activities currently located at Fort DeRussy to such replacement facilities.

(c) The proceeds of the sale authorized to be conducted pursuant to subsection (a) shall be available without fiscal year limitation to acquire land and replace facilities authorized to be acquired or constructed pursuant to subsection (b) and to pay associated relocation costs. The remainder of the proceeds shall be converted into the Treasury as miscellaneous receipts.

(d) Any action under this section shall ensure adequate parking for the Hale Koa Hotel.

TITLE II—NAVY

AUTHORIZED NAVY CONSTRUCTION AND LAND
ACQUISITION PROJECTS

Sec. 201. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Logistics Base, Barstow, California, \$530,000.

Marine Corps Air Station, Beaufort, South Carolina, \$6,905,000.

Marine Corps Mountain Warfare Training Center, Bridgeport, California, \$1,470,000.

Marine Corps Camp Detachment, Camp Elmore, Norfolk, Virginia, \$3,995,000.

Marine Corps Base, Camp Lejeune, North Carolina, \$24,140,000.

Marine Corps Base, Camp Pendleton, California, \$25,175,000.

Marine Corps Air Facility, Camp Pendleton, California, \$14,310,000.

Marine Corps Air Station, Cherry Point, North Carolina, \$36,450,000.

Marine Corps Air Station, El Toro, California, \$30,375,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, \$17,420,000.

Marine Corps Air Station, New River, North Carolina, \$10,780,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, \$3,610,000.

Marine Corps Air Station, Tustin, California, \$17,970,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, \$17,290,000.

Marine Corps Development and Education Command, Quantico, Virginia, \$7,060,000.

Marine Corps Air Station, Yuma, Arizona, \$16,750,000.

CHIEF OF NAVAL RESEARCH

Naval Research Laboratory, Washington, District of Columbia, \$28,900,000.

OFFICE OF THE COMPTROLLER OF THE NAVY

Navy Finance Center, Cleveland, Ohio, \$2,940,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, \$23,480,000.

Naval Space Command, Dahlgren, Virginia, \$4,700,000.

Navy Regional Data Automation Center, Jacksonville, Florida, \$10,300,000.

Naval Space Surveillance Field Station, Lewisville, Arkansas, \$675,000.

Navy Tactical Interoperability Support Activity, Mayport, Florida, \$470,000.

Navy Tactical Interoperability Support Activity, North Island, California, \$585,000.

Navy Regional Data Automation Center, Norfolk, Virginia, \$10,880,000.

Naval Space Surveillance Field Station, San Diego, California, \$600,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, \$3,040,000.

Naval Air Station, Cecil Field, Florida, \$29,835,000.

Naval Station, Charleston, South Carolina, \$9,960,000.

Naval Air Station, Jacksonville, Florida, \$12,270,000.

Naval Amphibious Base, Little Creek, Virginia, \$12,300,000.

Naval Station, Mayport, Florida, \$10,820,000.

Naval Submarine Base, New London, Connecticut, \$365,000.

Naval Station, New York, New York, \$18,560,000.

Naval Air Station, Norfolk, Virginia, \$10,675,000.

Naval Station, Norfolk, Virginia, \$800,000.

Naval Air Station, Oceana, Virginia, \$16,940,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Facility, Adak, Alaska, \$2,650,000.

Naval Air Station, Alameda, California, \$8,650,000.

Naval Submarine Base, Bangor, Washington, \$5,200,000.

Amphibious Task Force, Camp Pendleton, California, \$9,020,000.

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7565

Naval Amphibious Base, Coronado, California, \$16,150,000.

Naval Station, Everett, Washington, \$17,640,000.

Naval Air Station, Fallon, Nevada, \$36,500,000.

Naval Air Station, Lemoore, California, \$2,300,000.

Naval Station, Long Beach, California, \$16,000,000.

Naval Air Station, Miramar, California, \$385,000.

Naval Air Station, North Island, California, \$18,593,000.

Naval Submarine Base, Pearl Harbor, Hawaii, \$2,900,000.

Naval Station, San Diego, California, \$16,197,000.

Naval Submarine Base, San Diego, California, \$14,120,000.

Naval Station, Seattle, Washington, \$3,480,000.

Naval Station, Mare Island, Vallejo, California, \$735,000.

Naval Air Station, Whidbey Island, Washington, \$2,650,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Fleet and Mine Warfare Training Center, Charleston, South Carolina, \$1,180,000.

Naval Amphibious School, Coronado, California, \$5,900,000.

Surface Warfare Officers School Command Detachment, Coronado, California, \$5,200,000.

Naval Air Station, Corpus Christi, Texas, \$4,360,000.

Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, \$7,150,000.

Naval Explosive Ordnance Disposal School, Eglin, Florida, \$13,700,000.

Naval Construction Training Center, Gulfport, Mississippi, \$2,460,000.

Naval Amphibious School, Little Creek, Virginia, \$420,000.

Naval Air Station, Memphis, Tennessee, \$14,875,000.

Naval Air Station, Meridian, Mississippi, \$450,000.

Naval Submarine School, New London, Connecticut, \$13,300,000.

Naval Education and Training Center, Newport, Rhode Island, \$28,280,000.

Naval Training Center, Orlando, Florida, \$9,400,000.

Naval Air Station, Pensacola, Florida, \$225,000.

Naval Technical Training Center, Pensacola, Florida, \$5,670,000.

Naval Construction Training Center, Port Hueneme, California, \$4,800,000.

Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, \$7,850,000.

Fleet Combat Training Center, Pacific, San Diego, California, \$305,000.

Fleet Training Center, San Diego, California, \$4,750,000.

Naval Training Center, San Diego, California, \$2,900,000.

Naval Technical Training Center, San Francisco, California, \$1,570,000.

Naval Air Station, Whiting Field, Florida, \$810,000.

NAVAL MILITARY PERSONNEL COMMAND

Navy Band, Washington, District of Columbia, \$1,900,000.

NAVAL MEDICAL COMMAND

Naval Medical Clinic, Annapolis, Maryland, \$12,540,000.

Naval Hospital, Groton, Connecticut, \$8,720,000.

Naval Hospital, Jacksonville, Florida, \$18,600,000.

Naval Hospital, Long Beach, California, \$6,300,000.

Naval Hospital, Oak Harbor, Washington, \$13,900,000.

Naval Hospital, Pensacola, Florida, \$7,250,000.

Naval Hospital, San Diego, California, \$450,000.

CHIEF OF NAVAL MATERIAL

Puget Sound Naval Shipyard, Bremerton, Washington, \$30,945,000.

Naval Supply Center, Bremerton, Washington, \$1,520,000.

Naval Weapons Station, Charleston, South Carolina, \$3,230,000.

Polaris Missile Facility, Atlantic, Charleston, South Carolina, \$1,620,000.

Naval Air Rework Facility, Cherry Point, North Carolina, \$1,720,000.

Naval Weapons Center, China Lake, California, \$9,315,000.

Naval Weapons Station, Earle, New Jersey, \$3,720,000.

Naval Construction Battalion Center, Gulfport, Mississippi, \$2,550,000.

Naval Ordnance Station, Indian Head, Maryland, \$1,570,000.

Naval Supply Center, Jacksonville, Florida, \$1,555,000.

Naval Undersea Warfare Engineering Station, Keyport, Washington, \$2,440,000.

Naval Submarine Base, Kings Bay, Georgia, \$404,060,000.

Naval Air Engineering Center, Lakehurst, New Jersey, \$600,000.

Long Beach Naval Shipyard, Long Beach, California, \$7,160,000.

Naval Ordnance Station, Louisville, Kentucky, \$16,950,000.

Naval Air Rework Facility, Norfolk, Virginia, \$13,080,000.

Naval Supply Center, Norfolk, Virginia, \$2,350,000.

Naval Air Rework Facility, North Island, California, \$9,465,000.

Naval Supply Center, Oakland, California, \$7,890,000.

Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, \$1,860,000.

Navy Public Works Center, Pearl Harbor, Hawaii, \$13,700,000.

Navy Public Works Center, Pensacola, Florida, \$8,430,000.

Pacific Missile Test Center, Point Mugu, California, \$10,200,000.

Naval Construction Battalion Center, Port Hueneme, California, \$21,570,000.

Naval Ship Weapon Systems Engineering Station, Port Hueneme, California, \$10,780,000.

Naval Electronic Systems Engineering Center, Portsmouth, Virginia, \$3,255,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, \$6,690,000.

Naval Supply Center, San Diego, California, \$7,100,000.

Naval Electronic Systems Engineering Activity, Saint Inigo, Maryland, \$15,550,000.

Mare Island Naval Shipyard, Vallejo, California, \$815,000.

Naval Mine Warfare Engineering Activity, Yorktown, Virginia, \$4,120,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanography Command Facility, Jacksonville, Florida, \$390,000.

Naval Western Oceanography Center, Pearl Harbor, Hawaii, \$4,500,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Radio Station, Sugar Grove, West Virginia, \$785,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, \$980,000.

Naval Security Group Activity, Northwest, Chesapeake, Virginia, \$1,385,000.

Naval Security Group Activity, Skaggs Island, California, \$395,000.

Naval Security Group Activity, Winter Harbor, Maine, \$3,280,000.

OUTSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Iwakuni, Japan, \$1,775,000.

Marine Corps Air Station, Futenma, Okinawa, Japan, \$2,990,000.

Marine Corps Base, Camp Smedley D. Butler, Okinawa, Japan, \$2,250,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Facility Argentina, Newfoundland, Canada, \$700,000.

Naval Facility Antigua, West Indies, \$2,410,000.

Naval Station, Guantanamo Bay, Cuba, \$22,410,000.

Naval Station, Keflavik, Iceland, \$21,780,000.

Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, \$7,100,000.

Naval Station, Roosevelt Roads, Puerto Rico, \$14,700,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Cubi Point, Republic of the Philippines, \$19,200,000.

Navy Support Facility, Diego Garcia, Indian Ocean, \$16,530,000.

Naval Air Facility, Diego Garcia, Indian Ocean, \$22,450,000.

Naval Magazine, Guam, \$11,270,000.

Naval Supply Depot, Guam, \$6,550,000.

Naval Station, Guam, \$10,200,000.

Naval Ship Repair Facility, Guam, \$990,000.

Naval Magazine, Subic Bay, Republic of the Philippines, \$250,000.

Naval Ship Repair Facility, Subic Bay, Republic of the Philippines, \$13,270,000.

COMMANDER IN CHIEF, UNITED STATES NAVAL FORCES EUROPE

Naval Activities, London, United Kingdom, \$7,635,000.

Naval Support Activity, Naples, Italy, \$7,750,000.

Naval Station, Rota, Spain, \$1,030,000.

Naval Air Station, Sigonella, Italy, \$5,930,000.

Personnel Support Activity, London, United Kingdom, \$450,000.

CHIEF OF NAVAL MATERIAL

Navy Public Works Center, Guam, \$1,080,000.

Navy Public Works Center, Yokosuka, Japan, \$4,400,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station Western Pacific, Guam, \$8,330,000.

Naval Communication Station, Harold E. Holt, Exmouth, Australia, \$2,690,000.

Naval Communication Station, Rota, Spain, \$395,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Diego Garcia, Indian Ocean, \$3,700,000.

HOST NATION INFRASTRUCTURE SUPPORT

Various Locations, \$980,000.

FAMILY HOUSING

SEC. 202. The Secretary of the Navy may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Naval Air Station, Adak, Alaska, one hundred units, \$15,500,000.

Marine Corps Air Station, El Toro, California, two hundred and eighty-two units, \$29,800,000.

Navy Public Works Center, San Diego, California, two hundred units, \$15,200,000.

S 7566

CONGRESSIONAL RECORD — SENATE

June 5, 1985

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, one hundred units, \$8,400,000.

Fleet Training Group Pacific, Warner Springs, California, forty-four units, \$4,400,000.

Naval Weapons Station, Earle, New Jersey, two hundred units, \$15,400,000.

Aviation Supply Office, Philadelphia, Pennsylvania, one unit, \$170,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, three hundred units, \$24,180,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Sec. 203. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed \$34,020,000.

(b) The Secretary of the Navy may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out a project to improve three hundred and seventy-two existing military family housing units at the Navy Public Works Center, San Diego, California, in the amount of \$17,610,000.

TRANSIENT HOUSING UNITS, CHINHAE, KOREA

Sec. 204. The Secretary of the Navy may convert the four existing transient housing units contained in Building 706 in Chinhae, Korea, to family housing units.

RESTRICTION ON FUNDING FOR NAVY STRATEGIC HOMEPORTING

Sec. 205. Funds appropriated pursuant to an authorization in this title for Naval Strategic Homeporting may not be obligated or expended for such purpose until the Secretary of the Navy has submitted a report to the Congress stating the justification for the expenditure and a period of 90 days has elapsed after the day on which the report is received by the Congress.

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

Sec. 301. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, \$28,280,000.
Kelly Air Force Base, Texas, \$39,749,000.
McClellan Air Force Base, California, \$43,529,000.

Robins Air Force Base, Georgia, \$7,350,000.

Tinker Air Force Base, Oklahoma, \$31,500,000.

Wright-Patterson Air Force Base, Ohio, \$21,890,000.

AIR FORCE SYSTEMS COMMAND

Brooks Air Force Base, Texas, \$2,500,000.
Edwards Air Force Base, California, \$7,250,000.

Eglin Air Force Base, Florida, \$12,260,000.
Hanscom Air Force Base, Massachusetts, \$24,700,000.

Sunnyvale Air Force Station, California, \$2,700,000.

AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, \$12,370,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, \$1,730,000.

Goodfellow Air Force Base, Texas, \$27,500,000.

Keesler Air Force Base, Mississippi, \$10,500,000.

Lackland Air Force Base, Texas, \$22,750,000.

Laughlin Air Force Base, Texas, \$1,900,000.

Lowry Air Force Base, Colorado, \$6,850,000.

Mather Air Force Base, California, \$2,700,000.

Randolph Air Force Base, Texas, \$3,200,000.

Reese Air Force Base, Texas, \$3,250,000.

Sheppard Air Force Base, Texas, \$16,150,000.

Vance Air Force Base, Oklahoma, \$660,000.

Williams Air Force Base, Arizona, \$660,000.

AIR UNIVERSITY

Gunter Air Force Base, Alabama, \$6,000,000.

Maxwell Air Force Base, Alabama, \$5,200,000.

ALASKAN AIR COMMAND

Attu Research Site, Alaska, \$910,000.

Elmendorf Air Force Base, Alaska, \$19,450,000.

Elmendorf Air Force Base, Alaska, \$5,000,000.

King Salmon Airport, Alaska, \$8,600,000.

Shemya Air Force Base, Alaska, \$45,900,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, \$9,550,000.

Andrews Air Force Base, Maryland, \$10,120,000.

Base 24, Classified Location, \$6,170,000.

Boiling Air Force Base, District of Columbia, \$250,000.

Charleston Air Force Base, South Carolina, \$1,620,000.

Dover Air Force Base, Delaware, \$19,190,000.

Eglin Auxiliary Field 9, Florida, \$1,700,000.

Kirtland Air Force Base, New Mexico, \$60,330,000.

McChord Air Force Base, Washington, \$2,240,000.

McGuire Air Force Base, New Jersey, \$14,550,000.

Norton Air Force Base, California, \$4,570,000.

Pope Air Force Base, North Carolina, \$440,000.

Scott Air Force Base, Illinois, \$9,350,000.

Travis Air Force Base, California, \$10,300,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, \$480,000.

Wheeler Air Force Base, Hawaii, \$2,850,000.

SPACE COMMAND

Cape Cod Air Force Station, Massachusetts, \$600,000.

Cavaller Air Force Station, North Dakota, \$950,000.

Clear Air Force Station, Alaska, \$4,500,000.

Peterson Air Force Base, Colorado, \$5,200,000.

SPECIAL PROJECT

Various Locations, \$55,000,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, \$1,400,000.

Base 34, Classified Location, \$8,920,000.

Beale Air Force Base, California, \$5,850,000.

Belle Fourche Air Force Station, South Dakota, \$4,080,000.

Carswell Air Force Base, Texas, \$1,000,000.

Castle Air Force Base, California, \$3,300,000.

Dyess Air Force Base, Texas, \$16,950,000.

Ellsworth Air Force Base, South Dakota, \$72,064,000.

F.E. Warren Air Force Base, Wyoming, \$15,310,000.

Grand Forks Air Force Base, North Dakota, \$62,730,000.

Griffiss Air Force Base, New York, \$2,740,000.

Grisson Air Force Base, Indiana, \$1,700,000.

K.I. Sawyer Air Force Base, Michigan, \$22,580,000.

Malmstrom Air Force Base, Montana, \$1,300,000.

March Air Force Base, California, \$9,000,000.

Minot Air Force Base, North Dakota, \$5,000,000.

Offutt Air Force Base, Nebraska, \$10,440,000.

Pease Air Force Base, New Hampshire, \$1,200,000.

Plattsburgh Air Force Base, New York, \$1,050,000.

Unspecified Location, \$71,490,000.

Vandenberg Air Force Base, California, \$1,960,000.

Whiteman Air Force Base, Missouri, \$2,250,000.

Wurtsmith Air Force Base, Michigan, \$5,300,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, \$770,000.

Cannon Air Force Base, New Mexico, \$12,500,000.

Davis-Monthan Air Force Base, Arizona, \$5,730,000.

England Air Force Base, Louisiana, \$2,600,000.

George Air Force Base, California, \$5,240,000.

Holloman Air Force Base, New Mexico, \$16,850,000.

Homestead Air Force Base, Florida, \$7,015,000.

Langley Air Force Base, Virginia, \$8,680,000.

Luke Air Force Base, Arizona, \$14,780,000.

MacDill Air Force Base, Florida, \$7,350,000.

Moody Air Force Base, Georgia, \$24,030,000.

Mountain Home Air Force Base, Idaho, \$14,600,000.

Myrtle Beach Air Force Base, South Carolina, \$430,000.

Nellis Air Force Base, Nevada, \$17,860,000.

Seymour-Johnson Air Force Base, North Carolina, \$2,320,000.

Shaw Air Force Base, South Carolina, \$13,300,000.

Tyndall Air Force Base, Florida, \$8,780,000.

UNITED STATES AIR FORCE ACADEMY

Air Force Academy, Colorado, \$10,310,000.

OUTSIDE THE UNITED STATES

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, \$25,285,000.

Rhein-Main Air Base, Germany, \$3,500,000.

PACIFIC AIR FORCES

Camp Zama, Japan, \$1,500,000.

Kadena Air Base, Japan, \$27,650,000.

Misawa Air Base, Japan, \$9,500,000.

Yokota Air Base, Japan, \$10,400,000.

Kimhae Air Base, Korea, \$10,400,000.

Kunsan Air Base, Korea, \$9,000,000.

Kwang-Ju Air Base, Korea, \$16,310,000.

Osan Air Base, Korea, \$24,510,000.

Sachon Air Base, Korea, \$310,000.

Diego Garcia Air Base, Indian Ocean, \$5,300,000.

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7567

Clark Air Base, Republic of the Philippines, \$15,050,000.

SPACE COMMAND

Thule Air Base, Greenland, \$12,350,000.
Sondrestrom Air Base, Greenland, \$5,750,000.

GEODSS Site 5, Portugal, \$14,650,000.
Pirincik Air Station, Turkey, \$2,600,000.
BMEWS Site III, Fylingdales, United Kingdom, \$3,100,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Panama, \$23,172,000.

UNITED STATES AIR FORCES IN EUROPE

Florennes Air Base, Belgium, \$5,860,000.
Ahlhorn Air Base, Germany, \$350,000.
Bitburg Air Base, Germany, \$9,050,000.
Einsiedlerhof, Germany, \$2,900,000.
Hahn Air Base, Germany, \$8,160,000.
Hessisch Oldendorf Air Station, Germany, \$1,230,000.

Kapaun Air Station, Germany, \$900,000.
Leipheim Air Base, Germany, \$350,000.
Marienfelde Communications Station, Germany, \$2,550,000.

Norvenich Air Base, Germany, \$350,000.
Pruem Air Station, Germany, \$1,250,000.
Ramstein Air Base, Germany, \$14,670,000.
Sembach Air Base, Germany, \$6,460,000.
Spangdahlem Air Base, Germany, \$14,860,000.

Various Locations, Germany, \$940,000.
Vogelweh Air Station, Germany, \$1,250,000.

Wenigerath Storage Site, Germany, \$1,700,000.
Zweibrucken Air Base, Germany, \$5,700,000.

Aviano Air Base, Italy, \$5,070,000.
Comiso Air Station, Italy, \$6,280,000.
Decimomannu Air Base, Italy, \$2,800,000.
San Vito Air Station, Italy, \$1,590,000.
Morocco, \$3,100,000.
Camp New Amsterdam, The Netherlands, \$2,710,000.

Kelzerveer Air Base, The Netherlands, \$270,000.
Vught, The Netherlands, \$310,000.
Woensdrecht Air Base, The Netherlands, \$15,980,000.

Torrejon Air Base, Spain, \$9,550,000.
Zaragoza Air Base, Spain, \$2,750,000.
Ankara Air Station, Turkey, \$950,000.
Incirlik Air Base, Turkey, \$11,570,000.
Karatas, Turkey, \$2,330,000.

RAF Alconbury, United Kingdom, \$20,910,000.

RAF Bentwaters, United Kingdom, \$12,050,000.

RAF Chicksands, United Kingdom, \$1,630,000.

RAF Fairford, United Kingdom, \$7,400,000.

RAF Greenham Common, United Kingdom, \$2,200,000.

RAF Lakenheath, United Kingdom, \$10,320,000.

RAF Mildenhall, United Kingdom, \$4,080,000.

RAF Molesworth, United Kingdom, \$21,063,000.

RAF Sculthorpe, United Kingdom, \$2,350,000.

RAF Upper Heyford, United Kingdom, \$4,640,000.

Various Locations, United Kingdom, \$3,600,000.

Base 25, Classified Location, \$4,500,000.

Base 29, Classified Location, \$3,500,000.

Base 30, Classified Location, \$4,830,000.

Base 33, Classified Location, \$9,450,000.

Various Locations, Europe, \$4,450,000.

FAMILY HOUSING

SEC. 302. The Secretary of the Air Force may construct or acquire family housing units (including land acquisition and other

related facilities) at the following installations in the number of units shown, and in the amount shown, for each installation:

Florennes, Belgium, four hundred units, \$29,200,000.

Hahn Air Base, Germany, four hundred forty units, \$33,000,000.

Ramstein Air Base, Germany, four hundred units, \$30,000,000.

Osan Air Base, Korea, family housing support facilities, \$1,200,000.

Camp New Amsterdam, The Netherlands, one hundred forty units, \$11,000,000.

Clark Air Base, Republic of the Philippines, four hundred fifty units, \$37,900,000.

Belle Fourche Air Force Station, South Dakota, fifty units, \$4,000,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 303. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed \$61,300,000, of which \$19,939,000 is available only for energy conservation projects.

(b) The Secretary of the Air Force may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Bolling Air Force Base, District of Columbia, twenty-four units, \$1,200,000.

Scott Air Force Base, Illinois, eighty units, \$4,006,000.

Offutt Air Force Base, Nebraska, thirty-two units, \$2,873,000.

Kirtland Air Force Base, New Mexico, one hundred and ten units, \$3,724,000.

Ramstein Air Base, Germany, two hundred and eighty units, \$10,279,000.

Andersen Air Force Base, Guam, one hundred units, \$6,605,000.

Kadena Air Base, Japan, two hundred and thirty-five units, \$12,163,000.

Clark Air Base, Republic of the Philippines, twenty-nine units, \$1,042,000.

RESTRICTION ON USE OF FUNDS FOR CONSTRUCTION OF FACILITIES IN THE NETHERLANDS

SEC. 304. Funds appropriated to the Air Force pursuant to an authorization in section 301 for the construction of facilities in The Netherlands to support ground launched cruise missiles (GLCM) may not be obligated or expended until the Government of The Netherlands has officially approved the deployment of such missiles in The Netherlands.

RESTRICTIONS ON USE OF FUNDS FOR CONSTRUCTION OF BEDDOWN FACILITIES FOR B-1 BOMBER AIRCRAFT

SEC. 305. Funds appropriated pursuant to the authorization of funds in section 301 for construction at an unspecified location within the Strategic Air Command may not be obligated or expended for the construction or installation of facilities for the bed-down of B-1 bomber aircraft until (1) the Secretary of the Air Force has notified the Committees on Armed Services of the Senate and the House of Representatives of the name of the military installation at which the funds are to be used for such purpose and of the justification for the selection of that installation, and (2) a period of 21 days has elapsed after the day on which the notice and justification have been received by the Committees.

SPECIAL IMPACT ASSISTANCE TO CERTAIN SCHOOL DISTRICTS

SEC. 306. The Secretary of the Air Force may use not more than \$50,000 of the funds

appropriated to the Air Force for fiscal year 1986 for land acquisition for expansion of the Melrose Air Force Range, New Mexico, to provide assistance, by grant or otherwise, to school districts in communities near the Melrose Air Force Range for purposes of mitigating any adverse impact on the schools in such districts determined by the Secretary to result from expansion of the range.

SPECIAL IMPACT AID FOR THE DOUGLAS SCHOOL DISTRICT IN BOX ELDER, SOUTH DAKOTA

SEC. 307. The Secretary of the Air Force may use not to exceed \$600,000 of the funds appropriated to the Air Force for fiscal year 1986 for Ellsworth Air Force Base, South Dakota, under section 301 to provide assistance, by grant or otherwise, to the Douglas School District located in Box Elder, South Dakota, for the purpose of mitigating any adverse impact on the schools of such school district.

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

SEC. 401. The Secretary of Defense may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Anchorage, Alaska, \$1,390,000.

Defense Property Disposal Office, Alameda, California, \$1,320,000.

Defense Property Disposal Office, Barstow, California, \$825,000.

Defense Fuel Support Point, San Diego, California, \$600,000.

Defense Fuel Support Point, San Pedro, California, \$700,000.

Defense Property Disposal Office, Groton, Connecticut, \$625,000.

Defense Fuel Support Point, Port Tampa, Florida, \$595,000.

Defense Property Disposal Office, Fort Riley, Kansas, \$965,000.

Defense Fuel Support Point, Newington, New Hampshire, \$1,040,000.

Defense Fuel Support Point, Verona, New York, \$1,395,000.

Defense Depot, Mechanicsburg, Pennsylvania, \$470,000.

Defense Depot, Memphis, Tennessee, \$8,085,000.

Defense Property Disposal Office, Texarkana, Texas, \$2,635,000.

Defense Depot, Ogden, Utah, \$3,825,000.

Defense Property Disposal Office, Hill Air Force Base, Ogden, Utah, \$750,000.

Defense General Supply Center, Richmond, Virginia, \$5,355,000.

Defense Property Disposal Office, Richmond, Virginia, \$650,000.

Defense Fuel Support Point, Manchester, Washington, \$565,000.

Defense Property Disposal Office, F.E. Warren Air Force Base, Cheyenne, Wyoming, \$1,020,000.

DEFENSE MAPPING AGENCY

Repromat Secure Storage Facility, Mineral Wells, Texas, \$900,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, \$82,142,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, \$12,000,000.

Classified Location, \$3,142,000.

Fort McNair, Washington, District of Columbia, \$25,000,000.

DEPARTMENT OF DEFENSE SECTION 6 SCHOOLS

Fort Benning, Georgia, \$1,693,000.

Fort Bragg, North Carolina, \$5,660,000.

S 7568

CONGRESSIONAL RECORD — SENATE

June 5, 1985

Camp Lejeune, North Carolina, \$8,400,000.
Myrtle Beach Air Force Base, South Carolina, \$1,400,000.

Quantico, Virginia, \$3,500,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Kaiserslautern, Germany, \$360,000.

Defense Fuel Support Point, Chimu Wan, Okinawa, Japan, \$8,160,000.

Defense Fuel Support Point, Tsurumi, Japan, \$2,800,000.

Defense Fuel Support Point, Pyongtaek, Korea, \$5,820,000.

Defense Fuel Support Point, Uijongbu, Korea, \$6,200,000.

NATIONAL SECURITY AGENCY

Classified Locations, \$7,150,000.

DEPARTMENT OF DEFENSE SECTION 6 SCHOOLS

Fort Buchanan, Puerto Rico, \$9,753,000.

Roosevelt Roads Naval Station, Puerto Rico, \$1,200,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Florennes, Belgium, \$7,420,000.

Naval Air Station, Bermuda, \$2,290,000.

Babenhausen, Germany, \$760,000.

Bamberg, Germany, \$5,800,000.

Butzbach, Germany, \$3,420,000.

Hanau, Germany, \$7,480,000.

Heidelberg, Germany, \$1,910,000.

Heilbronn, Germany, \$2,520,000.

Pirmasens, Germany, \$1,630,000.

Schweinfurt, Germany, \$3,930,000.

Sembach Air Base, Germany, \$2,170,000.

Vilseck, Germany, \$6,680,000.

Sigonella, Italy, \$5,360,000.

Misawa Air Base, Japan, \$4,780,000.

Okinawa, Japan, \$745,000.

Osan Air Base, Korea, \$2,780,000.

Pusan, Korea, \$1,540,000.

Taegu, Korea, \$730,000.

Soesterberg Air Base, The Netherlands, \$4,460,000.

Clark Air Base, Republic of the Philippines, \$7,190,000.

Rota, Spain, \$2,870,000.

Bicester, United Kingdom, \$4,570,000.

Upwood, United Kingdom, \$3,240,000.

Woodbridge RAF Station, United Kingdom, \$1,060,000.

FAMILY HOUSING

SEC. 402. The Secretary of Defense may construct or acquire twenty family housing units (including land acquisition) at classified locations in the total amount of \$1,800,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 403. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve existing military family housing units in an amount not to exceed \$110,000.

RESEARCH AND ENGINEERING FACILITY AT THE NATIONAL SECURITY HEADQUARTERS COMPOUND

SEC. 404. (a) The Secretary of Defense may contract, in advance of appropriation therefor, for the design and construction of the research and engineering facility authorized for the National Security Agency by section 401 which is to be located at the headquarters compound of such agency, Fort Meade, Maryland.

(b) Notwithstanding section 606(a)(1), the authorization to design and construct the research facility referred to in subsection (a) shall remain available until the completion of the facility.

CONTINUATION OF UNSPECIFIED MINOR CONSTRUCTION

SEC. 405. It is the sense of Congress that as a general rule unspecified minor construction continue to be authorized and ap-

propriated on a lump sum basis as has been the case prior to the Continuing Appropriations Resolution for fiscal year 1985.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

SEC. 501. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the amount authorized to be appropriated in section 605.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 601. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$3,141,513,000 as follows:

(1) For military construction projects authorized by section 101 that are to be carried out inside the United States, \$1,106,950,000.

(2) For military construction projects authorized by section 101 that are to be carried out outside the United States, \$488,170,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$31,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$144,300,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, \$288,080,000; and

(B) for support of military family housing, \$1,271,094,000, of which not more than \$1,520,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than \$132,047,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Army that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 101 in the amount of \$136,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 101 may not exceed the sum of the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, NAVY

SEC. 602. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,345,003,000 as follows:

(1) For projects authorized by section 201 that are to be carried out inside the United States, \$1,217,589,000.

(2) For projects authorized by section 201 that are to be carried out outside the United States, \$221,195,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$21,560,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$141,860,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$2,960,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$154,000,000; and

(B) for support of military family housing \$585,839,000.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Navy that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 201 in the amount of \$100,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 201 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 603. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,624,041,000 as follows:

(1) For military construction projects authorized by section 301 that are to be carried out inside the United States, \$1,036,707,000.

(2) For projects authorized by section 301 that are to be carried out outside the United States, \$449,100,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$22,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$144,096,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$30,240,000.

(6) For support of military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$212,600,000; and

(B) for support of military family housing, \$729,298,000, of which not more than \$48,113,000 may be obligated or expended for leasing of military family housing units.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Air Force that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 301 in the amount of \$100,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 301 may not exceed the total amount author-

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7569

ized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 604. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Defense (other than the military departments), in the total amount of \$269,000,000 as follows:

(1) For military construction projects authorized by section 401 that are to be carried out inside the United States, \$103,102,000.

(2) For projects authorized by section 401 that are to be carried out outside the United States, \$106,598,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$4,000,000.

(4) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, \$5,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$30,000,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$1,910,000; and

(B) for support of military family housing, \$18,390,000.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Defense Agencies that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 401 in the amount of \$37,025,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, NATO

SEC. 605. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of construction projects for the North Atlantic Treaty Organization infrastructure program, as authorized by section 501, in the amount of \$38,000,000.

(b) There are hereby authorized to be transferred to amounts appropriated for North Atlantic Treaty Organization Infrastructure for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, \$60,000,000, to be derived from amounts appropriated for North Atlantic Treaty Organization Infrastructure for fiscal year 1985 remaining available for obligation.

EXPIRATION OF AUTHORIZATIONS; EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

SEC. 606. (a)(1) Except as provided in paragraph (2), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO infrastructure pro-

gram (and authorizations of appropriations therefore contained in sections 601 through 605), shall expire on October 1, 1987, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO infrastructure program (and authorizations of appropriations therefore), for which appropriated funds have been obligated before October 1, 1987, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO infrastructure program.

(b) Notwithstanding the provisions of section 2167(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 780), authorizations for the following projects authorized in sections 101, 201, and 301 of that Act shall remain in effect until October 1, 1986, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1987, whichever is later:

(1) Consolidated heating system in the amount of \$1,850,000 at Stuttgart, Germany.

(2) Consolidated heating system in the amount of \$1,750,000 at Stuttgart, Germany.

(3) Range modernization in the amount of \$2,450,000 at Wildflecken, Germany.

(4) Unaccompanied personnel housing in the amount of \$1,400,000 at Argyroupolis, Greece.

(5) Operations building in the amount of \$370,000 at Argyroupolis, Greece.

(6) Multipurpose recreation facility in the amount of \$480,000 at Argyroupolis, Greece.

(7) Unaccompanied officer housing in the amount of \$600,000 at Perivolaki, Greece.

(8) Operations building in the amount of \$410,000 at Perivolaki, Greece.

(9) Multipurpose recreation facility in the amount of \$620,000 at Perivolaki, Greece.

(10) Physical fitness training center in the amount of \$1,000,000 at Elefsis, Greece.

(11) Operations control center in the amount of \$7,800,000 at the Naval Air Station, Brunswick, Maine.

(12) Engine test cell modifications in the amount of \$1,180,000 at the Naval Air Station, Cecil Field, Florida.

(13) Land acquisition in the amount of \$830,000 at the Naval Weapons Station, Concord, California.

(14) Standby generator plant in the amount of \$4,500,000 at the Naval Communications Area Master Station Eastern Pacific, Honolulu, Hawaii.

(15) Air freight terminal in the amount of \$10,200,000 at Elmendorf Air Force Base, Alaska.

ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

SEC. 607. For projects or contracts initiated during the period beginning on the date of the enactment of this Act or October 1, 1985, whichever is later, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1987 or October 1, 1986, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is \$1,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under sec-

tion 2807 of title 10, United States Code, is \$300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is \$30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is \$10,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is \$16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(c) of title 10, United States Code, is 32,000.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is \$250,000.

EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS

SEC. 608. Titles I, II, III, IV, and V of this Act shall take effect on October 1, 1985.

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 701. There are authorized to be appropriated for fiscal years beginning after September 30, 1985, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$100,200,000; and

(B) for the Army Reserve, \$69,400,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves,

\$50,800,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$127,555,000; and

(B) for the Air Force Reserve, \$65,500,000.

TITLE VIII—GENERAL PROVISIONS

LAND ACQUISITION

SEC. 801. (a) Section 2672 of title 10, United States Code, is amended—

(1) by striking out "The" at the beginning of such section and inserting in lieu thereof "(a) Subject to subsection (b), the";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by striking out "\$100,000" each place it appears and inserting in lieu thereof "\$400,000"; and

(4) by adding at the end thereof the following new subsection:

"(b) The Secretary of a military department may not enter into a contract under this section for the acquisition of any interest in land the cost of which exceeds \$100,000 unless (1) the Secretary has notified the appropriate committees of Congress of his intent to acquire such interest, the cost of the interest, and the reasons for acquiring it, and (2) a period of 21 days has elapsed from the date the notification is received by the committees."

(b)(1) The heading of such section is amended by striking out "\$100,000" and inserting in lieu thereof "\$400,000".

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out "\$100,000" in the item relating to section 2672 and inserting in lieu thereof "\$400,000".

OCCUPANT LIABILITY

SEC. 802. (a) Section 2775 of title 10, United States Code, is amended—

(1) by striking out the heading and inserting in lieu thereof the following:

"§ 2775. Liability of members assigned to military housing";

(2) in subsection (a), by inserting "(1)" after "(a)";

(3) by adding at the end of subsection (a) the following new paragraph:

"(2) Upon moving out of a family housing unit that has been assigned to or provided a member of the armed forces, the member shall be responsible for leaving such unit in a satisfactorily clean condition (as provided in regulations prescribed by the Secretary of Defense). A member who moves out of a housing unit and fails to leave the unit in a satisfactorily clean condition shall be liable to the United States for the cost of having the unit properly cleaned.";

(4) in subsection (b), by inserting "in determinations of liability under subsection (a)(1)" after "involved";

(5) in subsection (c)(1), by striking out "subsection (a)(1)" and inserting in lieu thereof "subsection (a)(1) or for the cost of any cleaning made necessary by a failure to clean a family housing unit, as provided in subsection (a)(2).";

(6) in subsection (d), by inserting "or failure to satisfactorily clean" after "damage to"; and

(7) in subsection (e), by striking out "and (2)" and inserting in lieu thereof "(2) regulations for determining the cost of cleaning made necessary as a result of the failure to clean a family housing unit as provided in subsection (a)(2), and (3).";

(b) The table of sections at the beginning of chapter 165 of such title is amended by striking out the item relating to section 2775 and inserting in lieu thereof the following:

"2775. Liability of members assigned to military housing."

UNSPECIFIED MINOR CONSTRUCTION

SEC. 803. Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Within the amount authorized by law for such purpose, the" and inserting in lieu thereof "The"; and

(2) in subsection (c), by striking out "Only funds authorized for minor construction projects may be used to accomplish unspecified minor construction projects, except that the" and inserting in lieu thereof "The".

ACTIVITIES INCLUDED WITHIN AUTHORIZATIONS FOR MILITARY FAMILY HOUSING

SEC. 804. (a) Section 2821(c) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(c)";

(2) by redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively; and

(3) by adding at the end thereof the following new paragraphs:

"(2) Amounts authorized by law for the construction and acquisition of military family housing and facilities include amounts for (A) minor construction, and (B) relocation of military family housing units under section 2827 of this title.

"(3) Amounts authorized by law for support of military family housing include amounts for (A) operating expenses, (B) leasing expenses, (C) maintenance of real property expenses, (D) payments of principal and interest on mortgage debts incurred, and (E) payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)."

PREOCCUPANCY TERMINATION COSTS

SEC. 805. Section 2828(d) of title 10, United States Code, is amended by inserting "plus a construction period not longer than 36 months" after "ten years".

LEASING AND RENTAL GUARANTEE PROGRAM FOR MILITARY FAMILY HOUSING

SEC. 806. (a) Section 2828(g) of title 10, United States Code, is amended—

(1) by striking out paragraphs (7) and (8);

(2) by redesignating paragraph (9) as paragraph (7); and

(3) by striking out "October 1, 1985" in paragraph (7), as redesignated by clause (2) of this subsection, and inserting in lieu thereof "October 1, 1986".

(b) Section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended—

(1) by striking out subsections (f) and (g);

(2) by redesignating subsection (h) as subsection (f); and

(3) by striking out "September 30, 1985" in subsection (f), as redesignated by clause (2) of this subsection, and inserting in lieu thereof "September 30, 1986".

PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS

SEC. 807. (a) Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 2833. Participation in Department of State housing pools

"(a) The Secretary concerned may enter into an agreement with the Secretary of State under which the Secretary of State agrees to provide housing and related services for personnel under the jurisdiction of the Secretary concerned who are assigned to duty in a foreign country if the Secretary concerned determines (1) that there is a shortage of adequate housing in the area of the foreign country in which such personnel are assigned to duty, and (2) that participation in the Department of State housing pool is the most cost-effective means of providing housing for such personnel. The Secretary concerned shall reimburse the Secretary of State, as provided in the agreement, for housing and related services furnished personnel under the jurisdiction of the Secretary concerned.

"(b) Agreements entered into with the Secretary of State under this section may not be executed until (1) the Secretary concerned provides to the appropriate committees of Congress written notification of the facts concerning the proposed agreement, and (2) a period of 21 days has elapsed after the day on which the notification is received by the committees.

"(c) In computing the number of leases for which the maximum lease amount may be waived by the Secretary concerned under the second sentence of section 2828(e)(1) of this title, housing made available to the Department of Defense under this section shall not be included."

(b) The table of sections at the beginning of such subchapter is amended by adding at the end thereof the following new item:

"2833. Participation in Department of State housing pools."

SALE AND REPLACEMENT OF NONEXCESS REAL PROPERTY

SEC. 808. (a) Section 807(c) of the Military Construction Authorization Act, 1984 (Public Law 98-115), is amended by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1986".

(b) The Secretary of Defense is authorized to carry out sale and replacement transactions under the authority of section 2667a of title 10, United States Code, with respect

to (1) warehousing facilities at Schofield Barracks, Hawaii, and (2) a noncommissioned officers' professional education center, a band center, and a combat operations center at March Air Force Base, California.

PROPERTY MANAGEMENT

SEC. 809. (a) The Administrator of General Services shall transfer approximately 10.5 acres of surplus land adjacent to Fort McNair, Washington, D.C., to the Secretary of the Army, without reimbursement, for use by the Secretary in connection with the National Defense University.

(b) The Administrator of General Services shall reacquire, pursuant to section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)), approximately 50 acres of a larger tract of land near Fort MacArthur, California, which was conveyed by the United States to the city of Los Angeles, California, for use as a public park. Upon the reacquisition of 50 acres of such tract of land, the Administrator shall transfer such acreage to the Secretary of the Air Force, without reimbursement, for use by the Secretary for military family housing.

SALE OF REAL PROPERTY AT FORT JACKSON, SOUTH CAROLINA

SEC. 810. (a) Subject to subsections (b) through (i), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") may sell that tract of land which comprises a portion of Fort Jackson, South Carolina, known as the Gregg Circle Area, consisting of 300 acres more or less.

(b) Before the Secretary may enter into a contract for the sale of the property referred to in subsection (a), the prospective buyer of such land must—

(1) submit to the Secretary a master plan for the development of the land that is acceptable to both the Secretary and the appropriate officials of the city of Columbia, South Carolina;

(2) enter into an agreement with the Secretary under which the prospective buyer agrees—

(A) to construct up to 400 units of family housing on such land and to lease such housing to the Army subject to the conditions provided in subsection (c);

(B) to construct such housing in accordance with specifications and standards prescribed by the Secretary at the time the land is offered for sale; and

(C) to have such housing ready for occupancy not later than 2 years after the date of the conveyance of such land to the prospective buyer.

(c) A lease entered into under this section between the Secretary and a buyer of the land shall provide that at the expiration of the lease the Secretary shall have the option to—

(1) renew the lease for an additional period of up to 20 years (subject to any mutually agreed upon revisions of the lease);

(2) not renew the lease; or

(3) acquire the leased housing (including the land on which the housing is located) for an amount agreed upon by the Secretary and the buyer at the time of the sale of the land.

(d) In lieu of the requirement under subsection (b)(1) that the buyer agree to lease to the Army up to 400 units of family housing, the Secretary may, as a condition of the sale of the land, require the prospective buyer to agree to construct on the land to be conveyed under this section and to set aside, for rental by military personnel, up to 400 units of housing. In exchange, the Secretary shall agree to guarantee the rental of up to 95 percent of the set-aside units at a

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7571

rental price agreed upon in advance of the sale of the land. The conditions specified in clauses (1), (2)(B), and (2)(C) of subsection (b) shall apply to an agreement entered into under this subsection.

(c) The sale of the land referred to in subsection (a) shall be carried out under publicly advertised, competitively bid, or competitively negotiated contracting procedures. However, the Secretary shall have full authority to accept from among the offers tendered by prospective buyers the offer which the Secretary determines to be in the best interest of the United States. In no event may the land be sold for less than its fair market value.

(f) Before any contract for the sale of the land referred to in subsection (a) is entered into under this section, the Secretary shall submit a report to the appropriate committees of the Congress containing complete details of the procedures used in selecting a buyer for the land and a period of 21 days has expired following the day on which the report is received by such committees.

(g)(1) The Secretary may use the proceeds from the sale of the land referred to in subsection (a)—

(A) to provide access routes to facilities at Fort Jackson for military personnel housed or to be housed in the housing units to be constructed on such land; and

(B) to construct necessary facilities for up to 100 mobile trailer home sites at Fort Jackson.

(2) Any proceeds of the sale not used for such purposes shall be covered into the general fund of the Treasury.

(h) The exact acreage and legal description of the land to be conveyed under this section shall be determined by a survey approved by the Secretary.

(i) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

SEC. 811. None of the funds appropriated pursuant to an authorization contained in this Act shall be available for any project for which all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have not been completed as of March 29, 1985, unless—

(1) the Secretary of Defense or the Secretary of the appropriate military department certifies to the appropriate committees of Congress in writing after such date that all the requirements of such Act have been complied with for such project; and

(2) a period of 21 days has elapsed following the date on which such certification is received by the committees.

CONVEYANCE OF CERTAIN LAND AT MARCH AIR FORCE BASE, CALIFORNIA

SEC. 812. (a) Subsection (a) of section 835 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1527) is amended—

(1) by striking out "Village West Foundation" and inserting in lieu thereof "Air Force Village West"; and

(2) by striking out "'Foundation' of San Bernardino" and inserting in lieu thereof "'Corporation', of Riverside".

(b) Subsections (b), (d), (e), and (g) of section 835 of such Act are amended by striking out "Foundation" each place it appears and inserting in lieu thereof "Corporation".

(c) Section 835 of such Act is further amended by adding at the end thereof the following new subsection:

"(h) The land conveyed pursuant to this section may be used as security for financing the construction of facilities on such

land for the Corporation as if such land had been conveyed to the Corporation in fee simple. In the event of a default by the Corporation on a loan secured by such land, nothing in this section shall affect the right of a mortgagee or other holder of a security interest to acquire, dispose of, or direct the disposal through public sale of, such land and improvements thereon free of any restriction otherwise imposed by this section."

AVIGATION RIGHTS ON SANTA ROSA ISLAND, FLORIDA

SEC. 813. The Act entitled "An Act to authorize the Secretary of the Army to sell and convey to Okaloosa County, State of Florida, all right, title, and interest in the United States in and to a portion of Santa Rosa Island, Florida, and for other purposes", approved July 2, 1948 (62 Stat. 1229) is amended by adding at the end thereof the following new section:

"SEC. 5. The prohibition contained in subdivision d. of the first section against the erection of any structure or obstacle on the land conveyed under this Act in excess of seventy-five feet above mean low-water level shall be deemed to be a prohibition against the erection of a structure or obstacle in excess of two hundred feet above mean low-water level in the case of that portion of such land on Santa Rosa Island which is east of the Destin East Pass and is now known as Holiday Isle."

USE OF WATERFRONT FACILITIES AT PORT HUENEME, CALIFORNIA

SEC. 814. Notwithstanding any other provision of law, funds received by the Navy from its license agreement with the Oxnard Harbor District covering use of waterfront facilities on an as-available basis at the Naval Construction Battalion Center, Port Hueneme, California, may be used for operation and maintenance of waterfront facilities at the installation.

TRANSFER OF LAND OF ARLINGTON HALL STATION TO THE DEPARTMENT OF STATE

SEC. 815. Upon the relocation of the Army Intelligence and Security Command and other Defense activities from Arlington Hall Station to new quarters, the Secretary of the Army shall transfer approximately 72 acres of the tract of land known as Arlington Hall Station, together with improvements thereon, to the Secretary of State, without reimbursement, to be used as a center for training foreign affairs, as authorized by chapter 7 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4021-4026), and for other purposes as deemed appropriate by the Secretary of State.

LAND CONVEYANCE, NAVAL WEAPONS CENTER, CHARLESTON, SOUTH CAROLINA

SEC. 816. (a) Subject to subsections (b) through (g), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Westvaco Corporation (hereinafter in this section referred to as "Westvaco") all right, title, and interest of the United States in and to approximately 47.83 acres of improved land comprising that portion of the Naval Weapons Station, Charleston, South Carolina, located at Remount Road and Virginia Avenue, in the City of North Charleston, South Carolina.

(b) In consideration for the conveyance authorized by subsection (a), Westvaco shall pay—

(1) all costs for the construction of facilities necessary to replace those on the land to be conveyed to Westvaco under subsection (a) and the cost of relocating personnel and equipment to the replacement facilities; and

(2) an amount equal to the excess, if any, of the fair market value of the land and im-

provement conveyed under subsection (a) over the sum of the construction costs of the replacement facilities and the cost of relocating personnel and equipment to the replacement facilities.

(c) The replacement facilities referred to in subsection (b)(1) shall be constructed by the Navy on the Naval Weapons Station referred to in subsection (a) on a site to be selected by the Secretary.

(d) The Secretary is authorized to receive, obligate, and disburse funds received from Westvaco to cover design, construction, relocation, and related costs specified in a memorandum of understanding agreed to by the Secretary and Westvaco, dated April 17, 1985.

(e) Upon completion of the replacement facilities referred to in subsection (b)(1) and the payment by Westvaco of all agreed upon costs the Navy shall promptly vacate and convey to Westvaco the property referred to in subsection (a).

(f) The exact acreage and legal description of any land to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by Westvaco.

(g) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

TEST OF LONG-TERM FACILITIES CONTRACTS

SEC. 817. (a) Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter I the following new section:

"§ 2809. Test of long-term facilities contracts.

"(a)(1) The Secretary concerned may enter into contracts for the construction, management, and operation of facilities on or near a military installation in the United States for the provision of child care services, industrial waste water treatment or depot supply activities in cases where the Secretary concerned determines that the facilities can be more efficiently and more economically provided under a long-term contract than by other appropriate means.

"(2) Each contract entered into under subsection (a) shall be awarded through the use of competitive procedures as provided in chapter 137 of this title.

"(3) A contract under this section may be for any period not in excess of twenty years, excluding the period for construction. A contract under this section shall include a provision that the obligation of the United States to make payments under the contract in any fiscal year is subject to the availability of appropriations for that purpose.

"(4) A contract may not be entered into under this section until—

"(A) the Secretary concerned submits to the appropriate committees of the Congress, in writing, a justification of the need for the facility for which the contract is to be awarded and an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost effective when compared with alternative means of furnishing the same facility; and

"(B) a period of twenty-one calendar days has expired following the date on which the justification and the economic analysis are received by the committees.

"(b) Each Secretary concerned may enter into not more than five contracts under the authority of subsection (a) of this section, other than contracts for child care centers.

"(c) The authority to enter into contracts under this section shall expire on September 30, 1987, but shall not affect the validity of any contract entered into under the authority of this section prior to that date."

S 7572

CONGRESSIONAL RECORD — SENATE

June 5, 1985

(b) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end thereof the following new item:

"2809. Test of long-term facilities contracts."

Mr. GOLDWATER. Mr. President, I ask unanimous consent that S. 1042 be printed, as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS AUTHORIZATION ACT, FISCAL YEAR 1986

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 93, S. 1043.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1043) to authorize appropriations for the Department of Energy for national security programs for fiscal year 1986, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

There being no objection, the Senate proceeded to consider the bill.

Mr. GOLDWATER. Mr. President, I ask unanimous consent to strike all after the enacting clause of S. 1043 and to insert in lieu thereof the text of Division C of S. 1160, as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Security Programs Authorization Act for Fiscal Year 1986".

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1986 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, \$3,445,400,000, to be allocated as follows:

(A) For research and development, \$850,300,000.

(B) For weapons testing, \$524,000,000.

(C) For the defense inertial confinement fusion program, \$145,000,000.

(D) For production and surveillance, \$1,862,400,000.

(E) For program direction, \$63,700,000.

(2) For defense nuclear materials production, \$1,551,300,000, to be allocated as follows:

(A) For uranium enrichment, \$208,900,000.

(B) For production reactor operations, \$576,380,000.

(C) For processing of defense nuclear materials, \$488,145,000.

(D) For supporting services, \$256,575,000.

(E) For program direction, \$21,300,000.

(3) For defense nuclear waste and byproduct management, \$395,122,000, to be allocated as follows:

(A) For interim waste management, \$271,085,000.

(B) For long-term waste management technology, \$96,567,000.

(C) For terminal waste storage, \$25,070,000.

(D) For program direction, \$2,400,000.

(4) For verification and control technology, \$93,475,000, of which \$3,800,000 shall be used for program direction, and of which \$2,000,000 shall be used to conduct research and development programs to improve arms control verification technology and to establish an office in the Argonne National Laboratory, Argonne, Illinois, to conduct such programs.

(5) For nuclear materials safeguards and security technology development, \$54,325,000, of which \$6,925,000 shall be used for program direction.

(6) For security investigations, \$33,400,000.

(7) For naval reactors development, \$489,000,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1986 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 86-D-101, general plant projects, various locations, \$26,900,000.

Project 86-D-121, general plant projects, various locations, \$28,700,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$3,700,000.

Project 86-D-104, strategic defense facility, Sandia National Laboratories, Albuquerque, New Mexico, \$8,000,000.

Project 86-D-122, structural upgrade of existing plutonium facilities, Rocky Flats Plant, Golden, Colorado, \$3,000,000.

Project 86-D-123, environmental hazards elimination, various locations, \$8,700,000.

Project 86-D-124, safeguards and site security upgrade, Phase II, Mound Plant, Miamisburg, Ohio, \$3,000,000.

Project 86-D-125, safeguards and site security upgrade, Phase II, Pantex Plant, Amarillo, Texas, \$1,500,000.

Project 86-D-130, Tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, \$5,000,000.

Project 86-D-131, Environmental Remedial Action, Lawrence Livermore National Laboratory, Livermore, California, \$8,800,000.

Project 86-D-132, Instrumentation Systems Laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$6,200,000.

Project 86-D-133, Data Communications Laboratory, Los Alamos National Laboratory, Los Alamos, New Mexico, \$3,000,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase I, various locations,

\$71,600,000, for a total project authorization of \$107,000,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, \$16,400,000, for a total project authorization of \$21,100,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, \$19,200,000, for a total project authorization of \$26,800,000.

Project 85-D-106, hardened engineering test building, Lawrence Livermore National Laboratory, Livermore, California, \$1,900,000, for a total project authorization of \$2,700,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, \$15,300,000, for a total project authorization of \$19,800,000.

Project 85-D-113, powerplant and steam distribution system, Pantex Plant, Amarillo, Texas, \$18,500,000, for a total project authorization of \$23,000,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, \$17,700,000, for a total project authorization of \$20,600,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, \$14,000,000, for a total project authorization of \$19,000,000.

Project 85-D-123, safeguards and site security upgrade, Phase I, Pantex Plant, Amarillo, Texas, \$4,000,000, for a total project authorization of \$5,000,000.

Project 85-D-124, safeguards and site security upgrade, Rocky Flats Plant, Golden, Colorado, \$2,400,000, for a total project authorization of \$3,400,000.

Project 85-D-125, tactical bomb production facilities, various locations, \$6,000,000, for a total project authorization of \$16,000,000.

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$15,500,000, for a total project authorization of \$37,500,000.

Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$12,100,000, for a total project authorization of \$19,300,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, \$20,540,000, for a total project authorization of \$55,940,000.

Project 84-D-112, TRIDENT II warhead production facilities, various locations, \$60,700,000, for a total project authorization of \$140,700,000.

Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, \$3,300,000, for a total project authorization of \$14,800,000.

Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, \$400,000, for a total project authorization of \$13,600,000.

Project 84-D-118, high-explosive subassembly facility, Pantex Plant, Amarillo, Texas, \$33,000,000, for a total project authorization of \$40,000,000.

Project 84-D-120, explosive component test facility, Mound Plant, Miamisburg, Ohio, \$2,300,000, for a total project authorization of \$22,300,000.

Project 84-D-211, safeguards and site security upgrade, Y-12 Plant, Oak Ridge, Tennessee, \$7,500,000, for a total project authorization of \$23,000,000.

Project 84-D-212, safeguards and site security upgrade, Pinellas Plant, Florida, \$3,800,000, for a total project authorization of \$7,500,000.

June 5, 1985

CONGRESSIONAL RECORD — SENATE

S 7573

Project 83-D-199, buffer land acquisition, Lawrence Livermore National Laboratories, Livermore, California, \$7,000,000, for a total project authorization of \$24,000,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, \$170,000,000, for a total project authorization of \$714,900,000.

Project 82-D-111, interactive graphics systems, various locations, \$4,000,000, for a total project authorization of \$24,000,000.

Project 82-D-144, Simulation Technology Laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$10,300,000, for a total project authorization of \$34,000,000.

Project 79-7-0, Universal Pilot Plant, Pantex Plant, Amarillo, Texas, \$4,500,000, for a total project authorization of \$20,400,000.

(2) For materials production:

Project 86-D-146, general plant projects, various locations, \$29,800,000.

Project 86-D-149, productivity retention program, Phase I, various locations, \$24,200,000.

Project 86-D-150, in-core neutron monitoring system, N reactor, Richland, Washington, \$4,460,000.

Project 86-D-151, PUREX electrical system upgrade, Richland, Washington, \$2,500,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, \$2,000,000.

Project 86-D-153, additional line III furnace, Savannah River, South Carolina, \$1,500,000.

Project 86-D-154, effluent treatment facility, Savannah River, South Carolina, \$2,500,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, \$3,000,000.

Project 86-D-157, hydrofluorination system, FB-line, Savannah River, South Carolina, \$2,200,000.

Project 85-D-137, vault safety special nuclear material inventory system, Richland, Washington, \$1,900,000, for a total project authorization of \$4,400,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$12,000,000, for a total project authorization of \$22,000,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, \$12,000,000, for a total project authorization of \$18,000,000.

Project 85-D-145, fuel production facility, Savannah River, South Carolina, \$16,000,000, for a total project authorization of \$25,800,000.

Project 84-D-135, process facility modifications, Richland, Washington, \$12,000,000, for a total project authorization of \$29,500,000.

Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, \$7,200,000, for a total project authorization of \$19,600,000.

Project 83-D-148, non-radioactive hazardous waste management, Savannah River, South Carolina, \$3,100,000, for a total project authorization of \$22,100,000.

Project 82-D-124, restoration of production capabilities, Phases II, III, IV, and V, various locations, \$43,900,000, for a total project authorization of \$344,534,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, \$4,400,000, for a total project authorization of \$83,800,000.

(3) For defense waste and byproducts management:

Project 86-D-171, general plant projects, interim waste operations and long-term

waste management technology, various locations, \$24,451,000.

Project 86-D-172, B plant F filter, Richland, Washington, \$1,000,000.

Project 86-D-173, central waste disposal facility, Oak Ridge, Tennessee, \$1,000,000.

Project 86-D-174, low-level waste processing and shipping system, Feed Materials Production Center, Fernald, Ohio, \$2,500,000.

Project 86-D-175, Idaho National Engineering Laboratory security upgrade, Idaho National Engineering Laboratory (INEL), Idaho, \$2,000,000.

Project 85-D-157, seventh calcined solids storage facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$14,500,000, for a total project authorization of \$21,500,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, \$5,000,000, for a total project authorization of \$5,700,000.

Project 85-D-159, new waste transfer facilities, H-Area, Savannah River, South Carolina, \$9,000,000, for a total project authorization of \$20,000,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory (INEL), Idaho, \$2,250,000, for a total project authorization of \$4,250,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, \$165,000,000, for a total project authorization of \$597,500,000.

(4) For verification and control technology:

Project 85-D-171, Space Science Laboratory, Los Alamos, New Mexico, \$4,500,000, for a total project authorization of \$5,500,000.

(5) Nuclear safeguards and security:

Project 86-D-186, Nuclear Safeguards Technology Laboratory, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

(6) For naval reactors development:

Project 86-N-101, general plant projects, various locations, \$7,500,000.

Project 86-N-104, reactor modifications, advance test reactor, Idaho National Engineering Laboratory, \$4,500,000.

Project 82-N-111, materials facility, Savannah River, South Carolina, \$11,000,000, for a total project authorization of \$176,000,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, \$27,000,000, for a total project authorization of \$137,000,000.

(7) For capital equipment not related to construction—

(A) for weapons activities, \$267,750,000;

(B) for materials production, \$113,440,000;

(C) for defense waste and byproducts management, \$38,997,000;

(D) for verification and control technology, \$5,600,000;

(E) for nuclear safeguards and security, \$4,600,000; and

(F) for naval reactors development, \$30,000,000.

TITLE II—RECURRING GENERAL PROVISIONS REPROGRAMING

Sec. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or \$10,000,000 more than the amount authorized for that program by this title, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless the Secretary of Energy (hereinafter in this title referred to as the "Secretary") transmits to the appropriate committees of Congress a full and complete statement of the action proposed to be taken with respect to the program and the facts and circumstances relied upon in support of the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this Act exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

Sec. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed \$1,200,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$1,200,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

LIMITS ON CONSTRUCTION PROJECTS

Sec. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent, the higher of—

(1) the amount authorized for the project, or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress,

construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

FUND TRANSFER AUTHORITY

Sec. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

Sec. 205. The Secretary may perform planning and design utilizing available funds for any Department of Energy national security program construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Sec. 206. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects

S 7574

CONGRESSIONAL RECORD — SENATE

June 5, 1985

are available for use, when necessary, in connection with all national security programs of the Department of Energy.

AVAILABILITY OF FUNDS

SEC. 207. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

Passed the Senate June 5 (legislative day, June 3), 1985.

Attest:

Secretary.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that S. 1043 be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, before we leave tonight, I wish to extend my thanks again to all the members of my committee, the Armed Services Committee. I wish to thank the majority leader and minority leader for their constant help.

I wish to thank once again—and I can never thank them enough—the majority staff and the minority staff of the Armed Services Committee for the great work that they did.

I might mention in passing that we got through 108 amendments. I thought we were going to set a new record, but that tied last year's. However, we sort of set a record. We did not lose a vote.

I yield the floor.

Mr. DOLE. Mr. President, we have spent a number of days on this important legislation. I will put all those statistics in the RECORD.

This is an important bill. I wish to take this opportunity to express my personal gratitude to Senator GOLDWATER for the outstanding job he has done as floor manager of the bill.

This was a very complicated and controversial bill, but through it all, through the days of markup in committee, and the grueling hours on the floor, Senator GOLDWATER has been a stalwart. His knowledge and experience on national defense issues have been invaluable to me as majority leader and have been crucial in the successful completion of the legislation.

This was Senator GOLDWATER's first major legislative challenge as chairman of the Armed Services Committee, and I think everyone would agree

that he came through this experience with flying colors.

I want to extend my congratulations to Senator GOLDWATER, to the distinguished Senator from Georgia, Senator NUNN who is a renowned expert in defense, as well, and who has made a great contribution, and also to the distinguished Senator from Mississippi who is still on the floor who has always been a steady influence in these areas. We appreciate his continuing support, and all Members on both sides—members of the committee, and others—who helped us work out some of the very controversial issues to permit us to move this bill I think in fairly good time.

I was reminded by the minority leader that we have been around here when the DOD authorization bill took up to 6 weeks. We spent 9 legislative days on this bill. That seems like a long time. But compared to 6 weeks, it is a very short time. That again is a tribute to the managers of the bill.

I say for the record that we started this bill on May 17. We spent 9 legislative days and completed action today as of 8:40 p.m. We have consumed about 76 hours and 40 minutes. We have considered 108 amendments. We agreed to 81. We rejected 14. One was tabled. And 11 were withdrawn. There were 24 rollcall votes. So all in all it was a very—I will not say exciting—but a very difficult job. And it has taken a long time.

I apologize again to my colleagues for the late evenings. But it seemed to us, and it seemed to Senator GOLDWATER and Senator NUNN that sometimes we have to do that. We had to push on when we were making progress.

Again, I want to thank the distinguished minority leader for this continued cooperation, and again for helping me work out some of the time agreements and some of the very controversial areas that we have been able to resolve. I want to thank, obviously, the staff on both sides for their diligence, and also thank everyone else who has participated in this rather historic event.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished majority leader, and I congratulate him on a skillful performance as our leader.

I associate myself with his remarks about the excellent work that has been performed by Mr. GOLDWATER as manager of the bill, chairman of the

committee, and also by Mr. NUNN, who is the ranking member of the Armed Services Committee.

Mr. GOLDWATER demonstrated the stamina and the dedication for which he is already well known, and Mr. NUNN certainly continues to impress Members on both sides of the aisle and outside the Senate by his command of the facts, and by his sterling leadership in this field.

I also want to associate myself with the remarks of the distinguished majority leader in regards to Mr. STENNIS who continues to excite the admiration of all of us as he demonstrates a high sense of duty and purpose. He sets an excellent example for all of us. And I think the people of Mississippi are to be highly congratulated on their continued support of this good Senator. He is a good man, and truly a great American.

Also in reference to the comments by the distinguished majority leader, and others, concerning the majority and minority staffs—of course, we all know that without the support of our staff people who are experts in their respective fields—and I include the Democratic policy staff of the Senate, so ably directed by Susan Weiss Manes, with special thanks to Richard d'Amato, Peter Lennon, and Kevin Nealer, our defense and foreign policy specialists—we, Senators would have an extremely difficult time carrying out our duties, if indeed we could carry them out as well as we do. I am sure we would fall short at best. But we do try.

I want to thank our floor staff, too—David Pratt, Secretary for the Minority; Abby Saffold; Charles Kinney; Marty Paone; Elizabeth Baldwin; John Tuck; and Howard Greene, Secretary for the Majority. They have all stuck with us through thick and thin in the early morning, late evenings, and have worked with such dedication and allegiance to the institution. They certainly should be recognized, and commended for their work.

I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 9 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, FIRST SESSION

Vol. 131

WASHINGTON, THURSDAY, JUNE 6, 1985

No. 74

House of Representatives

The House met at 10 a.m.

The Reverend Timothy J. O'Brien, professor, political science, Marquette University, Milwaukee, WI, offered the following prayer:

Let us pray.

Heavenly Father, we acknowledge You as the Author of Life and the one who sustains us all. We thank You for the countless blessings You have so graciously granted the peoples of this planet. We call on You today, in this great Chamber, to humbly ask for Your continued guidance—for insight, humility, integrity, and courage—so that the problems mankind has within its family might be lessened; so that justice among peoples be more closely experienced; that those societal sins of materialism, racism, sexism, militarism, and narcissism—sins which fracture the fragile unity of Your family—be eradicated.

We pray that the power of Your spirit touch the hearts and minds of this Nation's leaders, and that the public policies enacted in this Hall, reflect Your divine plan.

Help us, Lord, to live peaceably—in harmony with You, in harmony with Your Earth, in harmony with Your people, and in harmony with ourselves.

For this we pray.

And, Lord, in a special way we pray today for the repose of the souls of two Members of this body, both from Wisconsin, Members with whom I had the privilege of working closely, Clement J. Zablocki and William A. Steiger. May they rest in peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DREIER of California. Mr. Speaker, pursuant to clause 1, rule I, I

demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DREIER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 266, nays 127, answered "present" 2, not voting 38.

[Roll No. 142]

YEAS—266

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Aspin
Atkins
AuCoin
Barnard
Barnes
Bateman
Bates
Bedell
Bellenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Bonior (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Broomfield
Broyhill
Bruce
Bryant
Burton (CA)

Bustamante
Byron
Campbell
Carper
Carr
Chappell
Clinger
Coats
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Daniel
Darden
Daschle
Davis
de la Garza
DeLay
Dellums
Dicks
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Dwyer
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fasell

Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gedensson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hatcher
Hawkins
Hayes
Hefner
Hertel
Holt
Hopkins
Horton
Howard

Hubbard
Hughes
Hutto
Hyde
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Klecza
Kolter
Kostmayer
Kramer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Long
Lowry (WA)
Luken
MacKay
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCullum
McCurdy
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Mineta
Moakley
Molinar

Mollohan
Montgomery
Moody
Moore
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Olin
Ortiz
Owens
Panetta
Pashayan
Pease
Pepper
Perkins
Petri
Pickle
Price
Rahall
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Scheuer
Schneider
Schulze

Schumer
Seiberling
Sharp
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Snowe
Snyder
St Germain
Staggers
Stokes
Strang
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams
Wise
Wolpe
Wortley
Wright
Wyden
Wyle
Yates
Yatron
Young (MO)

NAYS—127

Badham
Bartlett
Barton
Bentley
Bereuter
Billakis
Boehlert
Boulter
Brown (CO)
Burton (IN)
Callahan
Carney
Chandler
Chappie
Cheney
Clay
Cobey
Coleman (MO)
Combest
Conte
Coughlin
Courtner
Craig
Dannemeyer
Daub
Derrick
DeWine
Dickinson
DioGuardi
Dreier
Durbin
Eckert (NY)
Edwards (OK)
Evans (IA)
Fawell
Fiedler
Fields
Franklin
Frenzel

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

H 3931

H 3932

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

Gallo	McCain	Shelby
Gekas	McCandless	Shumway
Goodling	McDade	Shuster
Gregg	McEwen	Sikorski
Grotberg	McGrath	Skeen
Gunderson	McKernan	Slaughter
Hartnett	McMillan	Smith (NH)
Hendon	Meyers	Smith (NJ)
Henry	Miller (OH)	Smith, Denny
Hiller	Miller (WA)	Smith, Robert
Hillis	Mitchell	Solomon
Ireland	Moorhead	Spence
Jacobs	Morrison (WA)	Stangeland
Kasich	Nielson	Stenholm
Kindness	Oxley	Stump
Kolbe	Packard	Sundquist
Lagomarsino	Parris	Swindall
Latta	Penny	Tauke
Lent	Porter	Taylor
Lewis (CA)	Quillen	Thomas (CA)
Lightfoot	Ridge	Vucanovich
Livingston	Roberts	Walker
Loeffler	Roemer	Weber
Lott	Roth	Whittaker
Lowery (CA)	Saxton	Wolf
Lujan	Schaefer	Young (AK)
Lungren	Schroeder	Young (FL)
Mack	Schuette	Zschau
Marlenee	Sensenbrenner	
Martin (IL)	Shaw	

ANSWERED "PRESENT"—2

Crockett Dymally

NOT VOTING—38

Applegate	Heftel	Rangel
Armey	Hoyer	Savage
Billie	Huckaby	Siljander
Brown (CA)	Hunter	Smith (NE)
Coble	Kemp	Solarz
Crane	Leach (IA)	Spratt
Dingell	Lewis (FL)	Stallings
Dornan (CA)	Lundine	Stark
Emerson	Madigan	Sweeney
Ford (MI)	Manton	Udall
Ford (TN)	Monson	Wilson
Gilman	Obey	Wirth
Gingrich	Pursell	

□ 1020

So the Journal was approved.
The result of the vote was announced as above recorded.

FATHER TIMOTHY O'BRIEN

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I ask my colleagues to join me this morning in welcoming Father Timothy O'Brien as our guest chaplain.

Father O'Brien has a rich background in the State of Wisconsin and in our Nation's Capital. He graduated from St. Mary Springs Academy in Fond du Lac and received a bachelor of arts degree from St. Francis de Sales College in Milwaukee and a degree in theology from St. Francis School of Pastoral Ministry. He received his master's degree in political science from Marquette University, and his Ph.D. political science from Catholic University of America.

He was ordained as a priest for the Milwaukee Archdiocese and has served as the assistant pastor of St. Matthias Parish in Milwaukee. He also has served as a liaison for social concerns to the U.S. Catholic Conference in Washington, and the Wisconsin Catholic Conference in Madison, WI for the Milwaukee Archdiocese. Additionally, he acted as the national director of communication for the Catholic League of Civil Rights.

Currently, Father O'Brien is an assistant professor of political science at Marquette University. He is a widely respected author and lecturer on religion in politics and interest group politics and has completed a national study on inner city private schools and coauthored a book, "Inner City Private Schools." He also has produced a TV movie based on this study entitled "Miracle in the Inner City."

Father O'Brien is a special friend, and I have had the privilege of benefiting from his wisdom, guidance, and encouragement for many years.

He is held in high regard in the academic and religious communities. He is also held in extremely high regard in my office. In an effort to broaden his educational base, Father O'Brien has logged many hours in congressional offices. He worked in the office of the late Congressman William H. Steiger, and during the past two summers, my office has had the privilege of working with him. He brings to the office intelligence, compassion, and a marvelous sense of humor.

It is truly a pleasure working with Father O'Brien, and it is an honor to have him here today as our guest chaplain.

DENIAL OF MEDICAL TREATMENT FOR SOUTH AFRICANS

(Mr. LELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LELAND. Mr. Speaker, in light of the historic first step this House undertook yesterday to destroy apartheid, I'd like to bring to my colleagues' attention a disturbing article that appeared in the Washington Post yesterday. I request that the article appear in today's CONGRESSIONAL RECORD under the section entitled Extensions of Remarks.

The Post has learned that South African Police keep watch at all area hospitals to arrest any blacks with gunshot wounds. The wound is used as evidence of involvement in so-called riotous clashes with the police. Fearing arrest, many blacks are foregoing medical treatment—or operating on themselves—and dying as a result.

I find it tragically ironic that while some fear offending South Africa with strong opposition to apartheid, horrendous human rights violations in South Africa continue to surface.

According to the National Medical and Dental Association in South Africa, police intimidate and arrest patients in hospitals, place them under arrest in their beds—sometimes even handcuffed to the bed itself—and often confiscate their medication when transferred to jail cells. These patients are even denied access to the last rites.

In the face of these atrocities we cannot—we must not—continue President Reagan's "quiet diplomacy." In pass-

ing the Anti-Apartheid Act of 1985 the House took the first step toward a nonviolent end to apartheid. We now must complete the walk toward freedom for all South Africans. Thank you.

SUPPORT THE COMMUNIST RESISTERS IN NICARAGUA

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, a few weeks ago, on the very day the House was putting itself through another futile debate on Nicaraguan aid, a Soviet ship unloaded more than \$14 million in military hardware at a Nicaraguan port.

When the House came up empty, the Soviets raised the stakes. The very next day, the little dictator from Managua, Daniel Ortega, took off for Moscow with a new and expanded shopping list.

Next week, the House will have another chance to provide a bare minimum of support for those resisting Communist domination in Nicaragua.

If we waffle again, it will be another signal for the Soviets to up the ante and for Ortega to put on his green fatigues and take another shopping trip.

This time he could come home with the missiles and Mig's some Members of this body are waiting to see before they become convinced something sinister is going on south of the border.

But by then, it might be too late.

Let's keep our marines and the little dictator at home by supporting those willing to give their lives in a fight we all want to avoid.

TORNADO-RAVAGED AREAS AIDED, THANKS TO FEDERAL DISASTER ASSISTANCE

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, late Friday night, last week, a number of tornadoes touched down in my district in Pennsylvania. They caused untold damage and personal tragedy.

Late Monday morning the White House awarded Federal disaster relief status to those areas hit by the tornadoes.

On Tuesday, Vice President GEORGE BUSH flew to Pennsylvania to tour the damaged areas and to convey the message that Federal assistance would be forthcoming.

What the Vice President and the President did not say, is that if they had their way there would be no Federal disaster assistance.

I rise today to thank responsible Members of both parties in both Houses of Congress for resisting administration proposals to eliminate these critical programs. Even now the

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3933

administration has cut the level, of Federal assistance, raised disaster loan interest rates, introduced strict eligibility requirements, and reduced disaster aid funding.

I am glad that the Congress, and not the President, has had the last word on protecting disaster relief programs. The people of my district are more than glad, they're relieved.

CANADA'S TAX ON TOURISM LITERATURE STRAINS INTERNATIONAL RELATIONS

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, during the summit meeting in March between President Reagan and Canadian Prime Minister Brian Mulroney our two governments resolved a problem of great importance to the U.S. tourism industry. Prime Minister Mulroney gave his word that he would take steps to exempt travel literature from a 10-percent excise tax Canada has imposed for 3 years. That tax brazenly goes against all other international practice related to trade in tourism.

The resolution reached between the two heads of State specifically agrees that Government-sponsored tourist literature and literature printed by chambers of commerce, automobile associations and "similar organizations" would be exempt from the tax. The Canadians amended their law in May to exempt government-sponsored literature, but this only fulfills half of the agreement. They are now claiming that the second stage of implementation, which we can expect in a year or so, will cover the nongovernment entities.

This doesn't even begin to solve half of our problem. It merely confuses the issue. This tax is imposed arbitrarily at the border. It causes great confusion and continuous problems with Canadian customs officials.

This is a slap in the face to President Reagan and to many Members of Congress who have patiently sought a resolution to this taxation problem. We have brought this subject up at interparliamentary meetings between Canada and the United States. We have worked through the State Department and other international bodies to convince the Canadians that the strain on international relations is not worth the meager amounts of money being collected at the border. Today I am adding my name as a cosponsor to H.R. 1002 which would impose a retaliatory tax on Canadian literature entering the United States and I urge my colleagues to join me.

CENTRAL AMERICA: A DOSE OF REALITY

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, on this day 41 years ago, the combined forces of the Allies mounted the greatest seaborne invasion in history, on the coast of France. Some 10,000 men of that force became casualties by the end of the day; it was the beginning of the great campaign to start a second front in Europe, and to end World War II.

The D-day invasion was one that Americans supported; it involved a terrible cost, but it was one that our people understood and accepted.

But that is not the case in Central America. The people of this country are not anxious or willing to start a war in Central America. Nor do the people of Central America see us as liberators. Yet, President Reagan continues to build up an elaborate command center in Panama; he continues to build up vast military installations in Honduras. He is doing all he can to get Costa Rica to abandon its historical neutrality; and he refuses to undertake any negotiation that could possibly avoid warfare in one of the world's most impoverished regions.

This is not a policy that our allies support; it is not a policy that our people support.

Yet here we are, talking openly about an invasion of Nicaragua, and talking about more aid to the so-called Contras, whose lack of success and lack of popular support among Nicaraguans is nothing short of breathtaking.

Some want to support this new aid because they are embarrassed and offended that the Nicaraguan President went to Moscow looking for help. Some want to support this new aid because they fear being accused of "losing Nicaragua." But where else would Nicaragua go for help but Moscow, if our Government turns away all possibilities of negotiation, let alone moderation and conciliation? And who thinks that Nicaragua was ever ours to lose in the first place?

The truth is, if the Nicaraguan Government is anti-American, it is more because our policies fostered that, than anything else. Who created Somoza? We did. Who killed the popular revolution of Sandino? We did. And who among our allies supports the Reagan policy? Nobody. More of the same old policy of bullets and bombs will not save Nicaragua; this is the policy that has driven it away, isolated democrats in that country, and made it easy for the Sandinistas to use anti-American sentiment as the tool to consolidate their power. Why compound our error?

SWEDISH FLAG DAY

(Mrs. BENTLEY asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, today is recognized in Sweden as Swedish Flag Day. Although this holiday was first observed in 1916 and honors the Swedish flag, it also commemorates the election of Gustavus Vasa, a young nobleman, as King in 1523.

Gustavus Vasa encouraged the adoption of the Lutheran religion in Sweden, increased the power of the throne and laid the foundation for the modern state. He centralized the administration, dealt harshly with revolts, built an efficient army, and encouraged trade and industry.

It was also on this day that the oldest written constitution in Europe was adopted in Sweden in 1809.

The day, a national holiday in Sweden, is celebrated as the King presents a national flag to Swedish organizations and societies at a special ceremony. It is observed by Swedish-Americans throughout the United States with appropriate outdoor festivities.

TAX REFORM—THE PRESIDENT IS UNDULY POLITICIZING IT

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, I favor tax reform. Our present code does indeed contain far too many shelters and other loopholes and is unnecessarily complex.

I believe the President has been correct in joining in highlighting these points, but I want to express to him my deepening concern about his statements of recent days.

First, he is more and more projecting the feeling that his approach to tax reform is motivated more by the desire for partisan political gain through impact on party alignment than the good of the Nation.

Second, I resent the President's recent comments in some States that because of the deduction for State and local taxes, certain States have been subsidizing other States which, the President claims, have not yet learned how to say no to special-interest groups. That issue is far more complex than this latest one-liner of the President. Certain States suffered more woefully than others during the recession of the early 1980's, and over the years some bore the weight of migration to their States.

Mr. Speaker, the President apparently softens or hardens his comments, depending on where he is speaking, but many of us hear all of them and say to the President, "Beware."

H 3934

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

□ 1040

NICARAGUA—ANOTHER VIETNAM

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, our great Nation, born in revolution, has often played a noble role on the world stage, but there have been incidents in our history upon which the American people must look back in shame. More often than not, those events occurred when willful men, abusing the trust of the people, dragged the United States into nefarious international adventures.

We are nearing such a moment of shame now. Ronald Reagan obviously will stop at nothing, up to and including creating phony incidents to drag the United States into war against the less than 3 million poverty-stricken people of Nicaragua. Next week this House has another opportunity to stand with the American people against Ronald Reagan's adventurism.

I urge the American people to tell their Representatives in Congress now, Nicaragua must not become another Vietnam.

INVITATION TO THE PRESIDENT

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, I read in the paper yesterday that the President of the United States was in Oklahoma. He was invited by our junior Senator, who wanted him to visit an AT&T plant so that the President could see that there is something other than oil and agriculture in the State of Oklahoma.

I wish I had known early enough, because I want to invite the President to go to Pushmataha County in the southeast part of the State, one of my 20 counties, where we have approximately 20 percent of the people unemployed.

Nearly three-fourths of the counties that I have in my district have double-digit unemployment, low per capita income of less than \$5,000 and outmigration of 50 percent of the people in the last 50 years.

I was shocked when I saw that the President and his aides have not done an economic analysis of what would happen to jobs and industry in this country if the tax reform package was accepted in total.

I can tell you from my analysis what would happen if the tax reform package would be accepted in total. It will cause the greatest erosion of American industries overseas than any time in history, at a time when we have seen under the policies of this administration the U.S. trade debt skyrocket from \$28 billion to \$130 billion a year. The U.S. trade debt is five times great-

er during the 4 years under President Reagan. We have exported over 4 million jobs during the last 4 years, at the same time in my district in Oklahoma we have double-digit unemployment.

Our people are crying out for jobs. They are crying out for industry to be built in our Nation, not overseas in foreign countries. We need to get our priorities straight.

GASEOUS DIFFUSION PLANT TO REMAIN OPEN

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, yesterday the U.S. Department of Energy officially announced that the Paducah, KY, gaseous diffusion plant operated by Martin Marietta Corp. would not be closed. In fact, there will be an increase in production of enriched uranium at the Paducah plant.

There are 1,300 employees at the Paducah gaseous diffusion plant, the biggest employer in my congressional district.

This was and is news because a decline in the worldwide demand for uranium enrichment has caused the Department of Energy to halt production at one of the three Government-owned gaseous diffusion plants, the other two being in Ohio and Tennessee.

White House and Energy Department officials yesterday predicted the Paducah plant would be vital to Government needs through and beyond the year 2000.

The people of western Kentucky are indeed grateful to the U.S. Department of Energy, Secretary John S. Herrington, and former Energy Secretary Donald P. Hodel, now Secretary of the U.S. Department of the Interior.

THE TAXPAYERS' BILL OF RIGHTS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, when it comes to the subject of tax reform we seem to repeat ourselves. That is, from session to session we seem to talk about the need for reform, and continue to close our sessions without having reformed it.

I am pleased that the administration has taken a first step toward needed tax simplification.

However, in addition to resolving the fiscal part of our tax system, there is a critical need to consider some of the system's other shortcomings as well. In this case, I am referring to the need, to inject equity into the Internal Revenue Service policies, and treatment of our Nation's taxpayers. That's why I have introduced the Taxpayers' Bill of Rights.

This legislation addresses such problem areas as questionable tax enforcement practices, disclosure of rights and obligations of taxpayers, the awarding of costs to prevailing taxpayers, procedures involving taxpayer interviews, provisions for an ombudsman, GAO oversight of the IRS, and an appeals process for adverse IRS decisions.

This legislation is designed to protect the taxpayers against tax collection abuses. By doing this we are taking an important step toward restoring taxpayer confidence in our Nation's tax system.

HOUSE DEMONSTRATES ITS SUPPORT FOR THE WIC PROGRAM

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, as many of my colleagues are by now aware, the administration has agreed to request the remaining \$76 million appropriated in Public Law 98-472 for the special supplemental food program for women, infants, and children. The WIC Program was started in 1972 to improve the diet of low-income pregnant and nursing women and young children certified by physicians to be at nutritional risk.

The administration was made aware of the will of Congress on this issue because of a number of actions by both bodies of Congress. I want to thank my colleagues who cosponsored House Concurrent Resolution 146, a measure that I introduced on May 9. This resolution made clear to the executive branch the will of this body regarding the WIC Program. Eighty of my colleagues cosponsored the measure. The range of political philosophies represented on that list was a clear demonstration that the WIC Program has broad support. The interest of my colleagues in the measure was, no doubt, prompted by their concern for the 237,000 women and children who would have been cut from the WIC rolls had the \$77 million not been released. As a freshman, it was also encouraging to see the product that can result when Republicans and Democrats join forces and work together to improve the lives of the people we represent.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2577, SUPPLEMENTAL APPROPRIATIONS, 1985

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 186 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3935

H. RES. 186

Resolved, That all points of order for failure to comply with the provisions of clause 3 of rule XIII and sections 311(a) and 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived against the consideration of the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes. During the consideration of said bill, all points of order against the following provisions of the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are hereby waived: On page 2, lines 7 through 18; on page 3 lines 1 through 10; on page 3, lines 14 through 19; on page 4, line 12 through page 5, line 24; on page 6, line 11 through page 7, line 24; on page 8, line 8 through page 10, line 6; on page 11, line 19 through page 12, line 5; on page 12, line 10 through page 13, line 16; on page 13, line 21 through page 15, line 4; on page 15, line 13 through page 16, line 3; on page 16, line 9 through page 18, line 3; on page 18, line 15 through page 19, line 11; on page 20, line 14 through page 21, line 5; on page 21, lines 7 through 15; on page 21, line 21 through page 22, line 4; on page 23, lines 1 and 2; on page 24, lines 1 through 12; on page 24, line 20 through page 25, line 2; on page 28, line 10 through page 30, line 4; on page 30, line 9 through page 39, line 18; on page 43, lines 2 through 20; on page 44, line 1 through page 46, line 22; on page 47, lines 1 through 5; on page 47, line 10 through page 49, line 12; on page 49, line 20 through page 50, line 16; on page 50, line 19 through page 51, line 23; on page 52, line 6 through page 54, line 10; on page 54, line 16 through page 55, line 25; on page 56, lines 9 through 11; on page 56, lines 15 through 24; on page 57, lines 5 through 7; on page 57, line 12 through page 60, line 19; on page 62, lines 1 through 21; on page 63, lines 4 through 8; on page 64, line 7 through page 65, line 20; on page 66, lines 1 through 21; on page 67, lines 2 through 6; on page 67, lines 15 through 17; on page 68, lines 1 through 25; on page 69, lines 6 through 16; on page 69, line 19 through page 70, line 6; on page 70, lines 12 through 20; on page 71, lines 1 through 12; on page 72, line 1 through page 73, line 5; on page 73, lines 11 through 13; on page 73, lines 22 through 24; on page 74, line 14 through page 79, line 17; on page 79, line 22 through page 80, line 16; on page 84, lines 1 through 6; on page 84, lines 16 through 18; on page 86, lines 10 through 15; on page 86, line 18 through page 87, line 11; on page 87, line 17 through page 88, line 18; on page 89, lines 14 through 20; on page 91, line 7 through page 92, line 12; on page 92, line 18 through page 94, line 12; on page 94, lines 22 and 23; on page 96, line 14 through page 97, line 9; on page 97, lines 13 through 20; on page 98, lines 24 and 25; on page 99, lines 20 through 25; and on page 100, lines 5 and 6.

It shall be in order to consider the following amendments to the bill printed in the Congressional Record on June 4, 1985: (1) as amendment by, and if offered by, Representative Dorgan of North Dakota, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and section 311(a) of the Congressional Budget Act are hereby waived; (2) an amendment by, and if offered by, Representative Breaux of Louisiana, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and section 311(a) of the Congressional Budget Act of 1974 are hereby waived; (3) an amendment by, and if offered by Representative English of Oklahoma, and all points of order against said amendment for failure to comply with the

provisions of clauses 2 and 6 of rule XXI and section 311(a) of the Congressional Budget Act are hereby waived; and (4) an amendment by, and if offered by, Representative Studds of Massachusetts, and all points of order against said amendment for failure to comply with the provisions of section 311(a) of the Congressional Budget Act of 1974 are hereby waived. If any portion of the text of the bill beginning on page 25, line 3 through page 28, line 9 is stricken on a point of order pursuant to clause 2 or 6 of rule XXI, it shall be in order to consider an amendment offered by the chairman of the Committee on Appropriations, inserting after page 28, line 9 any portion of such paragraph which has been stricken which does not contain appropriations not authorized by law, and all points of order against said amendment for failure to comply with the provisions of clause 2(c) or 6 of rule XXI and section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived.

Sec. 2. (a) After the bill has been read for amendment in its entirety and after the disposition of all other amendments, including any considered pursuant to the procedure specified in clause 2(d) of rule XXI, it shall be in order to consider the amendments provided for in subsection (b) of this section. A motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall not take precedence over the amendments provided for in subsection (b). If such a motion is offered as preferential over amendments specified in the second sentence of clause 2(d) of rule XXI, and is adopted, the Committee of the Whole shall not rise but shall proceed to the consideration of the amendments provided for in subsection (b).

(b) Pursuant to subsection (a), it shall be in order to consider the following amendments, which shall be considered in the following order only, which shall be considered as having been read, which shall not be subject to amendment except as specified, which shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and which shall be in order although amending a portion of the bill already passed in the reading of the bill for amendment:

(1) the amendment printed in the Congressional Record of June 5, 1985, by Representative Michel of Illinois, if offered by Representative Michel or Representative McDade of Pennsylvania, said amendment shall be debatable for not to exceed two hours, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI, clause 2 of rule XXI, and section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived, and after debate thereon the amendment shall be subject to the following two amendments:

(2) the amendment printed in the Congressional Record of June 5, 1985, by, and if offered by, Representative Boland of Massachusetts, said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Boland and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are hereby waived;

(3) the amendment printed in the Congressional Record of June 5, 1985, by, and if offered by Representative Gephardt of Missouri, and said amendment shall be debatable for not to exceed one hour, to be equally

divided and controlled by Representative Gephardt and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of the rule XXI are hereby waived; and

(4) the amendment to the bill printed in the Congressional Record of June 5, 1985, by, and if offered by Representative Hamilton of Indiana, said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Hamilton and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI, clauses 2 and 6 of rule XXI, and section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. If amendments numbered 1 (as or as not amended) and 4 are both adopted, only amendment numbered 4 shall be considered as having been finally adopted and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1050

The SPEAKER pro tempore (Mr. DURBIN). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, before we begin debate on this resolution I would like to make a unanimous-consent request to make a technical correction in the rule.

Mr. Speaker, at the time the Committee on Rules voted to report a rule on the supplemental appropriation it was agreed that the Hamilton amendment would be debatable for 2 hours. However, due to a typographical error when the rule was filed, only 1 hour of debate was provided for that amendment.

This unanimous-consent request simply is intended to make the correction so that the rule is consistent with the vote in the Rules Committee and the gentleman from Indiana [Mr. HAMILTON] is allowed 2 hours of debate on his amendment. This request has been cleared with the minority.

Mr. Speaker, I ask unanimous consent to make a technical correction to House Resolution 186 to provide 2 hours of debate on the Hamilton amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

[Mr. WALKER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

H 3936

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, House Resolution 186 is a rule waiving certain points of order and providing procedures for the consideration of H.R. 2577, the supplemental appropriations bill for fiscal year 1985. The rule waives clause 3 of rule XIII, which requires a Ramseyer in committee reports, and sections 311(a) and 402(a) of the Congressional Budget Act against consideration of the bill.

Section 311(a) prohibits the consideration of legislation which would cause the new budget authority or outlay ceilings in the most recent budget resolution to be exceeded. Appropriations recommended in H.R. 2577 would cause the Committee on Appropriations to exceed its discretionary budget authority allocation for fiscal year 1985 by \$2.7 billion. However, House Concurrent Resolution 152, the House-passed first budget resolution for fiscal year 1986, assumes enactment of the budget authority provided in the supplemental for fiscal year 1985. Since the first budget resolution has not yet been enacted, the increases in the committee's allocations have not yet taken effect; however, the Committee on Rules has granted this waiver in light of the action taken by the House on the first budget resolution and in anticipation of a conference agreement.

Section 402(a) of the Budget Act prohibits the consideration of any legislation which authorizes the enactment of new budget authority for a fiscal year unless it has been reported by May 15 prior to the beginning of that fiscal year. H.R. 2577 contains one provision in which new budget authority for fiscal year 1986 is authorized, thus necessitating the waiver of section 402(a) against consideration of the bill.

During the consideration of the bill, the rule waives all points of order against certain paragraphs of the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI. Clause 2 of rule XXI prohibits unauthorized appropriations or legislative provisions in a general appropriation bill and clause 6 prohibits reappropriations or transfers in general appropriation bills.

The rule also specifically makes in order four amendments printed in the CONGRESSIONAL RECORD of June 4 and waives certain points of order against those amendments. The first, to be offered by Representative DORGAN of North Dakota, provides \$4.3 million for the necessary expenses for State and local agencies to distribute surplus commodities under the Temporary Emergency Food Assistance Act of 1983. The rule provides waivers of clause 2, rule XXI and section 311(a)

of the Budget Act against the Dorgan amendment.

The second amendment, to be offered by Representative BREAUX of Louisiana provides \$4 million for the establishment of the Gillis W. Long Poverty Law Center at the Loyola University School of Law in New Orleans. The rule also waives clause 2, rule XXI and section 311(a) of the Budget Act against the amendment.

The third amendment, to be offered by Representative ENGLISH of Oklahoma, is legislative language requiring a waiver of clause 2, rule XXI which is waived in the rule, as are clause 6 of rule XXI and section 311(a) of the Budget Act. The English amendment seeks to strike language recommended by the Committee on Appropriations and to insert in lieu thereof language which would require approval of the Secretary of the Army for construction projects on the Arkansas River or on its tributaries and would separate authorization of the Arkansas and Red River projects to ensure that funds authorized and appropriated for the Red River projects cannot be used for Arkansas River projects.

The final amendment is to be offered by Representative STUBBS of Massachusetts and the rule waives section 311(a) of the Budget Act against that amendment. The Studds amendment seeks to make available an additional \$15 million in fiscal year 1985 for the operating expenses of the U.S. Coast Guard. These moneys are to be derived as authorized from the boat safety account of the aquatic resources trust fund.

Mr. Speaker, while these four amendments are specifically made in order in the rule, I should point out to my colleagues that House Resolution 186 does not preclude the offering of other amendments to the bill. Any germane amendment which does not otherwise violate any rule of the House may be offered to H.R. 2577.

During the hearing on the rule for H.R. 2577, the Committee on Rules received a number of requests from authorizing committee chairmen not to provide waivers against unauthorized and legislative provisions recommended by the Committee on Appropriations. In response to their requests, the Committee on Rules did not protect a number of paragraphs in the bill. Chief among those provisions which are not protected against points of order for failure to comply with the provisions of clause 2 of rule XXI are a number of water projects. The Appropriations Committee, in the first paragraph of chapter IV, has recommended 62 Corps of Engineers new starts, of which 32 were previously authorized. The remaining 30 are not authorized but are provided for in H.R. 6, the Water Resources Conservation, Development and Infrastructure Improvement and Rehabilitation Act of 1985, which is currently pending in the Committee on Public Works and Transportation.

House Resolution 186 does not provide a waiver of clause 2, rule XXI against this paragraph of the bill and therefore, a point of order could lie against this particular paragraph of chapter IV. The rule does, however, provide that if this paragraph is stricken on a point of order, that it shall be in order for the chairman of the Committee on Appropriations to offer an amendment to reinsert in that portion of the bill any of those projects stricken on the point of order which are already authorized by law. The rule also provides that should the chairman of the Appropriations Committee offer such an amendment, that all points of order against that amendment for failure to comply with the provisions of clauses 2(c) and 6 of rule XXI and section 311(a) of the Budget Act are waived.

Mr. Speaker, the bill recommended by the Committee on Appropriations does not contain any funds which would be applicable to the situation in Nicaragua. The rule does, however, make two major amendments and two perfecting amendments in order which deal specifically with the issue of aid to the Contras in Nicaragua.

The rule provides that after the bill has been read for amendment in its entirety and after the disposition of all other amendments, including the consideration of limitations as provided in clause 2(d) of rule XXI, it shall then be in order to consider the Nicaragua amendments specifically made in order in the rule. The rule provides that a motion for the Committee of the Whole to rise and report the bill to the House with such amendments as may have been adopted shall not take precedence over the Nicaragua amendments provided for in the rule and, that if a motion for the committee to rise is offered as preferential over the Nicaragua amendments and is adopted, the Committee of the Whole shall not rise, but shall then proceed to the consideration of the Nicaragua amendments.

The Committee on Rules has recommended this procedure in order that the Nicaragua issue can be considered as separate and distinct from the provisions of the supplemental. This provision of the rule will ensure that the issues in the supplemental and all amendments, including any limitation amendments, will be disposed of prior to the consideration of the Nicaragua amendments made in order in the rule.

When the Committee of the Whole considers these amendments, the rule provides that they shall be considered in the specified order only, that they shall be considered as having been read, they shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and that they shall be in order although they are amending a portion of the bill already passed in the reading of the bill for amendment.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3937

The rule first provides for the consideration of an amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by Representative MICHEL of Illinois, and if offered by Representative MICHEL or Representative McDADÉ of Pennsylvania. The Michel/McDade amendment shall be debatable for 2 hours, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and the rule waives all points of order against the amendment for failure to comply with the provisions of clause 7 of rule XVI, the germaneness rule, clause 2 of rule XXI and section 311(a) of the Budget Act.

The Michel/McDade amendment provides a \$27 million appropriation for direct humanitarian assistance to the Nicaraguan Contras and \$2 million for implementation of a Contadora agreement. The amendment also provides that the President is to direct the administration of the funds and that he is prohibited from funneling the funds to the Contras through either the CIA or the Department of Defense. The funds are to be made available to the Contras in three installments coinciding with the submission of reports by the President to the Congress on what steps he has taken to resolve the conflict in Nicaragua.

Following debate on the Michel/McDade amendment, that amendment will be subject to the following two perfecting amendments. It will first be in order to consider the amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by, and if offered by, Representative BOLAND of Massachusetts. The Boland amendment shall be debatable for 1 hour to be equally divided and controlled by Representative BOLAND and a Member opposed thereto, and all points of order against the amendment for failure to comply with clause 7 of rule XVI and clause 2 of rule XXI are waived. The Boland amendment contains identical language to current law and provides that no funds are to be made available to the CIA, the Department of Defense or any other intelligence agency of the United States for any activities which would have the effect of either directly or indirectly supporting military or paramilitary operations in Nicaragua.

Following disposition of the Boland amendment, the rule provides that it shall then be in order to consider a second perfecting amendment printed in the CONGRESSIONAL RECORD on June 5, 1985, by, and if offered by, Representative GEPHARDT of Missouri, and the Gephardt amendment shall be debatable for 1 hour to be equally divided and controlled by Representative GEPHARDT and a Member opposed thereto. All points of order against the Gephardt amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are waived in the rule. The Gephardt amendment seeks to delay the availability of the funds made available to

the Contras in the Michel-McDade amendment for 6 months.

After the vote on the Gephardt perfecting amendment, the rule provides that the vote will then occur on the Michel-McDade amendment as amended, or not amended, as the case may be. The rule then provides that it shall be in order to consider an amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by, and if offered by, Representative HAMILTON of Indiana. The Hamilton amendment shall be debatable for 2 hours to be equally divided and controlled by Representative HAMILTON and a Member opposed thereto and all points of order against the Hamilton amendment for failure to comply with the provisions of clause 7 of rule XVI, clauses 2 and 6 of rule XXI and section 311(a) of the Budget Act are waived.

The Hamilton amendment provides \$14 million in fiscal year 1985 for humanitarian assistance to Nicaraguan refugees who are outside Nicaragua. These funds are to be used to provide such assistance through the International Committee of the Red Cross or the U.N. High Commissioner for Refugees and the amendment provides specifically that the assistance provided is not to be used for the provisioning of combat forces.

Because the rule makes in order two major Nicaragua amendments which differ substantially in philosophy, the rule makes in order what has come to be known as the king-of-the-mountain procedure. Under this procedure in House Resolution 186, even if the Michel-McDade amendment is initially adopted, if the Hamilton amendment is subsequently agreed to in the Committee of the Whole, the Hamilton amendment shall prevail and only the Hamilton amendment shall be reported back to the House. In other words, the last of the two major amendments adopted will be the amendment reported back to the House.

Finally, the rule provides that at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill back to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. Speaker, H.R. 2577 provides supplemental appropriations of \$13.5 billion in net new budget authority for fiscal year 1985. Nearly half of this amount is mandatory under current law including a \$3.5 billion payment to the Social Security trust fund to cover military service wage credits as required by the Social Security Amendments of 1983. Of the discretionary appropriations, \$3.9 billion is to reimburse the Commodity Credit Corporation for net realized losses sustained, \$2 billion for aid to Israel and Egypt and an additional \$287 million for stu-

dent financial assistance under the Pell Grant Program.

Mr. Speaker, this supplemental is an important legislative proposal and under the rule it will be fully debated and open to amendment. I urge adoption of the rule in order that the House may proceed to the consideration of H.R. 2577.

□ 1110

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks.)

Mr. QUILLEN. I thank the gentleman for yielding. Mr. Speaker, the gentleman from Texas [Mr. Frost] has ably explained the rule and it would be redundant for me to go into the same subject matter in detail.

We all know it is an unusual and complex rule fashioned to deal with a complicated situation. It should be adopted.

The Rules Committee met for 2 days on this matter, and we consulted with many Members representing different points of view in regard to the issues and items contained in this supplemental appropriations bill. I think it is accurate to say that no one is completely satisfied with this rule, but that it is acceptable to those most closely involved with this bill and with the process bringing it to the floor at this time.

The members of the Appropriations Committee have worked hard on this very important bill, and they have done an outstanding job under difficult circumstances. They deserve our thanks and they certainly have mine.

I want to state emphatically that the Appropriations Committee is not at fault, because this bill requires a great number of waivers of the ordinary rules of the House. The Appropriations Committee was compelled by its responsibilities to this country and to the House to move forward with this supplemental appropriations bill. The members of the Committee on Appropriations have acted in a completely responsible manner.

This supplemental is a major bill dealing with a number of important matters. In addition to the items contained in this bill, the rule provides for debate and votes on the question of assistance to the democratic resistance forces in Nicaragua.

The rule makes in order a reasonable, bipartisan proposal to be offered by the gentleman from Pennsylvania [Mr. McDADÉ], together with Mr. MICHEL and Mr. McCURDY as well as a proposal advanced by Mr. HAMILTON of Indiana. The McDade-Michel-McCurdy amendment provides the House the opportunity to step forward to support the brave men and women of Nicaragua who are resisting a pro-Communist regime ruling over their homeland. The McDade-Michel-McCurdy

H 3938

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

amendment deserves our support and I urge its passage.

Mr. Speaker, I ask for a "yes" vote on the rule so that the House can get down to the business of debate.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] has consumed 3 minutes.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BOULTER].

Mr. BOULTER. I thank the gentleman for yielding. Mr. Speaker, with a great deal of sadness and confusion in my heart, I rise in opposition to this rule. I find many problems with it, and a lot of misunderstanding about it.

I want to bring to the attention of my colleagues an article from yesterday's paper in Wichita Falls, TX, the Wichita Falls Times, which describes how emergency crews and relief organizations were on standby early yesterday afternoon, as residents of low-lying neighborhoods in Wichita Falls watched 5 inches of rain cause creeks to rise to nearly flood levels.

This is a common problem for that city, Mr. Speaker, a problem that has existed for over 30 years. The last time Wichita Falls had flooding, in 1982, about \$31 million worth of damage was caused.

□ 1120

Annually, damages of about \$4 million in property damage result from flooding in Wichita Falls, TX.

We have in past Congresses, before I got here, Mr. Speaker, attempted to pass badly needed authorization water projects. Last year an omnibus water bill containing somewhere around 300 of these projects, many of which I think were not justified, and not urgent, and not a proper investment, was passed by this body but did not make it through the other body. And the same thing is going to happen this year, Mr. Speaker, H.R. 6 is a multibillion dollar project involving 300 projects, many of which are simply pork and that is all there is to it. But this supplemental bill, Mr. Speaker, contains about 60 projects, as I understand it, all urgently needed, all representing a true investment in our country, about half of which are unauthorized. But I was told by the chairman of the authorizing committee that because there was language in the supplemental bill which made the appropriation subject to authorization that it would be supported. And now I find that that these unauthorized projects are being stripped out.

Mr. Speaker, I find this very disappointing. We have created a separate package of some of these projects. H.R. 1558, which is in the authorizing committee, the committee will not report that out because it does not contain everybody's project. Again, it probably will report out H.R. 6, but it does contain everybody's project, it is too expensive, it is too full of pork, and it is not going to be signed into law.

Meanwhile, Mr. Speaker, the creeks are rising today in Wichita Falls, the place is flooding, there are numerous other projects which require immediate attention, and I do not understand this process. I deplore it. I just wanted to speak against it. I just cannot believe this is happening.

Mr. QUILLEN. Mr. Speaker, I would like to advise the gentleman from Texas [Mr. Frost] that I have four more requests for time, and at this time I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman from Tennessee very much for yielding me the time.

Mr. Speaker, I intend to oppose this rule. I would hope that most Members of this body would see fit to oppose this rule. This rule is a budget buster. This rule, pure and simple, says that we are going to bust the budget. If you do not believe that, all you have to do is look at the report written by the Appropriations Committee on the supplemental appropriations bill and you will find that they admit that the rule makes in order a bill which is going to bust the budget to the tune of \$2.7 billion.

Now, that is the low figure. I sometimes wonder around here just how we come up with some of the figures that show up in these Appropriations Committee reports. But it is at least that much. It is at least a \$2.7 billion budget buster.

Now, the way we are going to get to that is through this rule, because what this rule does is it makes possible all of that spending without having legitimate points of order raised against it. Page after page after page after page of this bill should be subject to a point of order, but it will not be because all of those points of order are waived under the rule that we are considering here. So the rule is real test vote here.

What do we want to do about trying to preserve the integrity of the authorization process, the appropriation process and ultimately the budget process?

If you want to just consider the Budget Act that we always regard so sacrosanct around here when we are debating it, and we go down through every number as though life and death depended upon getting that number precisely right during the debates on this floor, and we still come out with massive deficits at the end of that budget process, if you think that that budget process is at all important, consider this about the rule that you are about to vote on: It simply waives the Budget Act with regard to this bill. It says that the Budget Act does not apply as it regards this bill.

This is \$13.5 billion in spending in the supplemental appropriation bill, and we are simply going to say, "Throw the Budget Act out, it does not apply, it is time to spend the money."

That is how this House contributes to deficits. All of you are hearing from

your constituents, every one of you, that the American people are disgusted with deficits. And we all go out and we make these great speeches, out across the country, about how we are worried about deficits, that deficits are a terrible thing and we have got to do something to stop this President from coming up with deficits or stop other Members of Congress from spending the money or doing something about deficits. Raise taxes, some of our colleagues suggest.

Well, the way we come up with deficits is when we spend the money. Here we are going to spend the money, we are going to spend it in violation of the Budget Act when we waive the Budget Act, we are going to spend it in violation of the rules of the House, so we waive the rules of the House. This rule is an atrocity. This rule starts us down the road toward passing a bill later on this day or next week that will bust the budget and bust the budget big. And so next time when your constituents ask you, "Where did the deficit come from?" well, the deficit came from voting for this rule which makes in order a bill which is going to exceed the budget to at least the tune of \$3 billion.

Where you want to stop that process is right here with this rule. Reject this rule and perhaps we will have a chance to get at this supplemental appropriation bill and stop the spending in it which is in violation of the Budget Act, stop the spending which is in violation of the authorization process and get us back to the protections that we have built in, supposedly, for ourselves against overspending.

Approve this rule and what is going to happen is that we are going to go about the business of spending and we are going to end up doing what we have done so often in the past. In the last 5 years this Congress has overspent its own budgets by \$157 billion. Those great sacrosanct budgets that we put in place, we have overspent them ourselves by \$157 billion. This is how it is done: It is done with supplemental appropriation bills and it is done with rules that make those supplemental appropriation bills in order.

I say to my colleagues that I think we ought to reject this rule, we ought to reject it out of hand. It is a budget buster. We ought to turn it down.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. McCurdy].

Mr. McCURDY. I thank the gentleman from Tennessee for yielding me this time.

Mr. Speaker, as a Democrat, I feel it is unfortunate that I had to seek time from the Republican side of the aisle in order to voice a dissent.

Mr. Speaker, I am not going to object to this rule. I am not going to vote against the rule. But I do feel compelled to voice my concern as to the tactics used in developing this por-

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3939

tion of the rule dealing with the amendments on Nicaragua.

The Rules Committee has specifically excluded a Democratic Member, specifically myself, from appearing or being designated on the rule by Mr. MICHEL. I appeared before the Rules Committee with Mr. McDADE, asking for a freestanding amendment, the McCurdy-McDade amendment, which was not granted. However, Mr. MICHEL was granted the opportunity to present the amendment. He is presenting the amendment drafted by Mr. McDADE and myself.

Mr. Speaker, I believe the Rules Committee made a mistake in not allowing Mr. MICHEL to designate this amendment the McCurdy-McDade or McDade-McCurdy amendment.

Mr. Chairman, Americans want neither a Republican nor a Democratic policy. Americans want a bipartisan policy for Nicaragua as well as El Salvador that puts the United States on the side of democracy and liberty.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. LOTT].

(Mr. LOTT asked and was given permission to revise and extend his remarks.)

Mr. LOTT. I thank the gentleman from Tennessee for yielding.

Mr. Speaker, I voted against the rule in the Rules Committee for a number of reasons. Frankly, the whole process stinks. Every year it is unbelievable what we go through on supplemental appropriations and continuing appropriations in the Rules Committee. And we have done it again this time.

But the chief reason why I voted against it in the Rules Committee was the shabby treatment afforded our Republican leader and a bipartisan coalition on their amendment to provide assistance to the democratic resistance in Nicaragua.

The gentleman from Oklahoma who preceded me was specifically excluded. Why? There is a long tradition around here of having bipartisan support for amendments, Republicans and Democrats. But in this instance, nothing doing. It was clear there would not be a Democrat's name on this amendment.

I even had difficulty getting the normal language in there in the Rules Committee, saying that the Republican leader or his designee could offer the amendment. We never got that agreement, as a matter of fact, instead it said Mr. MICHEL or Mr. McDADE, the gentleman from Pennsylvania. It could not even say "or his designee."

I had been led to believe, and I think I can say we had been led to believe, that the majority leadership and our leader or his designee had agreed that we would have a clean shot at offering an amendment on the situation in Nicaragua. But that is not the case under this rule. Instead, the bipartisan Michel-McDade-McCurdy amendment will be subject to two further amendments by the gentleman from Massa-

chusetts [Mr. BOLAND] and the gentleman from Missouri [Mr. GEPHARDT] amendments which effectively could emasculate the Michel-McDade-McCurdy amendment if they are adopted.

□ 1130

If either of those amendments is adopted, the House will not have an up or down vote on the original, bipartisan proposal; it will be one that is amended and substantially changed. This procedure constitutes, in my opinion, a breach of faith and is inexcusable.

The Barnes-Hamilton Nicaragua alternative, on the other hand, is not subject to amendment under the rule. And on a bipartisan vote, as a matter of fact, we had a Democrat that voted with us to give the gentleman from Illinois [Mr. MICHEL] a clean shot to amend Barnes-Hamilton—give us two bites of the apple, since the other side on this issue gets at least three bites at the same apple. But, no, even in the interest of fairness, that attempt to make this rule fair on the subject of Nicaragua was turned down.

So, instead of having a direct choice between Michel-McDade-McCurdy on the one hand, and Hamilton-Barnes on the other, the House could end up having to choose between Boland-Gephardt on the one hand, and Hamilton-Barnes on the other. This isn't even a tweedle-dee, tweedle-dum choice; it's just plain dumb.

Mr. Speaker, the other major issue facing the Rules Committee was whether to honor the requests made by Chairman WHITTEN and his committee to protect certain unauthorized items and transfers in the bill against points of order. I regret to say that the Rules Committee muffed this one as well. Under the guise of presumably deferring to the wishes of an authorizing committee chairman, the Rules Committee protected certain unauthorized projects but not others.

There's no rhyme or reason to why certain projects were protected and others weren't unless you want to count nonsense rhymes. If the Rules Committee can be credited for anything in all this it is with devising an ingenious new rule of inconsistency.

But that's not the end of it. After turning down some of Chairman WHITTEN's requests for waivers, the Rules Committee turned around and granted four Members—all Democrats incidentally—those same waivers so they could offer amendments to add new unauthorized items to the bill. At least it can be said that this generous grant of waivers to noncommittee chairmen is consistent with the Rules Committee's new rule of inconsistency.

Mr. Speaker, I can't say enough bad things about this rule, but I'll stop here; I think the rule speaks volumes for itself. It all comes down to two simple words: "Fairness" and "consistency." The rule lacks both of these qualities.

It is just a classic case of unfairness and inconsistency. I am sick about it; the whole process. I want to vote for it, because I am trying to keep my eyes on the bottom line; and the bottom line here, to me, is a vote on the situation in Nicaragua. That is why I would even be inclined to think about voting for this dastardly rule or the bill itself, even if it had eliminated a project in it in my district.

I hope our colleagues will be aware of this process, and that we will stop doing it. We voted on a rule in the Rules Committee when we never even had a copy of it before us in printed form. I kept asking questions because I was worried about voting on a rule that I had not even seen.

What happened? They messed themselves up. They did not give the Barnes-Hamilton amendment the same amount of time as the Michel-McDade-McCurdy amendment, and had to ask for unanimous consent to change it.

The process stinks; we have got to stop doing this.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

(Mr. MYERS of Indiana asked and was given permission to revise and extend his remarks.)

Mr. MYERS of Indiana. I thank the gentleman, Mr. QUILLEN, for yielding me this time.

Mr. Speaker, I rise reluctantly to support the rule. I am very disappointed in this rule after reading it last night late when it came. I tried to make some analysis of why the rule was written the way it was, and I find so many inconsistencies, so many irregularities in this rule that it is really shocking. It is becoming increasingly so as we see more and more of these types of rules coming down the path.

I guess I can use a phrase that we hear once in a while: "Here we go again." In chapter 4 that I am particularly interested in, points of order were waived on some projects; not others. Our Subcommittee on Energy and Water spends months studying these projects, and I fully understand the concern that the authorizing committee has made, but we tried to very carefully protect those differences with the authorizing committee and thought, 3 weeks ago, the we had an understanding the we had built a fence around those projects that are very high in priority, and very necessary, yet construction would not start on those projects until they were authorized, but much-needed engineering and studies could continue. They can only continue if they were appropriated money in this supplemental appropriation.

Let us take a look at some of the projects that are not going to be in this bill. Mobile Harbor has a benefit-cost ratio of 4.7 to 1. A very necessary project for export badly needed to meet our balance of trade.

H 3940

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

Mississippi River ship channel, in the gulf to Baton Rouge, it has a B/C ratio of 8.2 to 1. One of the vital links in our transportation system in this country. Gulfport Harbor, a safety improvement. Very badly needed for an unsafe harbor today. Yet, it will not be included in this bill that we can correct it.

Norfolk Harbor. The coal industry at one time was very large in our country. The export market is still there, except we do not have a port today that the large colliers can get in and get out and make it profitable. So the coal importing countries do not import from the United States any more. Norfolk Harbor would help correct this and put us back and be competitive with the rest of the world.

Lock and dam 26 above St. Louis, at Alton, IL. A second lock is very badly needed to get the grain out of Minnesota, and Iowa and the Dakotas so that it can be exported.

The Gallipolis on the Ohio River; West Virginia-Ohio. A bottleneck where the tows have to be broken today. Maybe as high as 3 days tows have to wait and pay demurrage while they wait to get through this antiquated lock system. Yet, we are not going to correct it.

The list goes on of the projects that your subcommittee put in and your full committee put in because they are high priority. When you go back home, you tell the people back home and the American Taxpayers Union, whatever that group is; certainly not businesspeople representing that organization, that would fight badly needed projects like this, it would create jobs, and make us competitive.

When you go back home and your coal miners ask you: "Why can't we export coal any more? Why are we no longer working?" Your factories will say we are no longer able to export because the ports are not deep enough; they are not clear enough; they are not safe enough.

When you tell your people back home, well, we buckled under because there was a little, internal argument inside the House of Representatives about whose turf was being stepped upon. The American people are disgusted, rightfully so, that we bicker among ourselves here because we do not want to step on someone's turf.

So when we are no longer competitive and the national debt continues to climb because we can not be competitive for need of better ports and transportation in this country. Tell them it is an "internal problem"; explain that we have a problem inside; that we have to wait for another committee to do its job before we can correct the problems.

Well, I think it is high time that this Congress goes on and does what needs to be done. Your Appropriations Committee does not like the posture we are put in. But if America is to be competitive, and we must be, we cannot let little differences here interfere.

I am sorry we have the rule that we have today; it is not the proper rule, but it is the best in town we have today. We have got some things in this supplemental that must be appropriated. I will vote for the rule; I know you are going to have to hold whatever you have to do do it. But it is badly needed.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. Brown].

Mr. BROWN of Colorado. I thank the gentleman for yielding me this time and the opportunity to share some thoughts with my colleagues on this particular rule.

Mr. Speaker, this rule sets a very important precedent: What we are deciding with this rule is whether or not we will waive requirements to comply with the Budget Act. While we may have different priorities, while we may have different interests, everyone in this Chamber shares concern about the overwhelming deficit this country has accumulated.

Two hundred and fourteen billion dollars is the latest estimate of this year's deficit. It appears it will be higher than that with the slowdown in the economy in recent months. Ladies and gentlemen, this bill throws that Budget Act out. It says in this rule that we will ignore the budget; that we will not stay within the limits; that we will waive even those liberal guidelines. This is a very clear and precise vote. It is a test of whether or not we have the willingness to stay within that budget guideline.

The guidelines call for an enormous deficit; one of the largest of any country in the history of the world. What we are seeing with this rule is that we are going to throw even those guidelines out; that in effect we want a deficit even bigger than \$214 billion. Ladies and gentlemen, the issue is not just the billions of increased spending. The issue is a test of whether this House will live with any limit; whether we will give credence to any budget plan; whether we are willing to stand within any guidelines.

If we are to have any credibility at all in putting this country back on the road of controlling deficits and interest, we have to turn this rule down.

□ 1140

I hope before the Members vote on this rule they will give consideration to the precedent we are establishing. If we pass this rule and pass this supplemental, we are saying that we are going to ignore the calls of the American people to bring fiscal sanity to this Nation's budget.

Mr. QUILLEN. Mr. Speaker, I know, as I said in the beginning, this is a complicated rule, but we need to have this bill on the floor, and I urge the adoption of the rule.

Mr. Speaker, I yield the balance of our time to the leader on this side, the gentleman from Illinois [Mr. MICHEL].

The SPEAKER pro tempore (Mr. DURBIN). The Chair recognizes the gentleman from Illinois [Mr. MICHEL] for 6 minutes.

(Mr. MICHEL asked and was given permission to revise and extend his remarks.)

Mr. MICHEL. I thank the gentleman for yielding this time to me.

Mr. Speaker, notwithstanding some of the comments, good comments, that have been made by the gentleman from Pennsylvania [Mr. WALKER], the gentleman from Colorado [Mr. BROWN], and our whip on our side, the gentleman from Mississippi [Mr. LOTT], the gentleman from Illinois is constrained to support the rule, and for any number of reasons.

First of all, if we might clear the air a little bit here, yes, it is a \$14 billion total supplemental appropriation bill, and there are some items in here, frankly, I wish were not in the measure, but we also know there is \$3½ billion in here for the Social Security Trust Fund to cover the military obligation that we have in that particular area.

There is nearly \$4 billion in here for the Commodity Credit Corporation for our agricultural communities.

Yes, there is \$1½ billion for Israel, and \$500 million for Egypt in both economic and military assistance.

I think there is nearly \$2 billion for pay supplemental and veterans' benefits of \$200 million.

There is also \$245 million to give better protection to our State Department facilities abroad, prompted by the recent terrorist bombings that have taken place.

There is even a budgeted item in here for student loans of \$665 million.

So there are some very meritorious things in this package of supplementals, and it ought not to be simply discredited out of hand. As for the excesses, every Member certainly is entitled to express himself on those and yes on the process and mechanism by which we are considering this bill.

The whip, the gentleman from Mississippi [Mr. LOTT] pointed out very forcefully, I thought, the machinations of the Committee on Rules in denying Members on the other side of the aisle cosponsorship of that very critical amendment that has to do with aid to the Contras. That is the principal reason why this Member has to support this rule wholeheartedly, because the need for that assistance is urgent and paramount and cannot be delayed any longer. It would be good if we could have it isolated as one specific piece of legislation, but that is not in the cards.

This supplemental has got to move, and move expeditiously. The Speaker was good enough to offer me several weeks ago the opportunity to get another shot at providing humanitarian assistance to the Contras. You will recall a few weeks ago we lost the vote on my second amendment by the

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3941

narrow margin of two votes. We have recrafted an amendment in combination with Mr. McDade and Mr. STUMP on our side and Mr. MURTHA, Mr. McCurdy, Mr. ROEMER, and others on the Democratic side. I understand now the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], is prepared to support what we are proposing as a group of bipartisan Members of this House.

I would agree with the gentleman from Oklahoma [Mr. McCurdy], that we ought to have a bipartisan approach on an issue as important as this one in Central America. It has to be.

So stripping away all these machinations that have taken place here, whether one denies this or that Member visibility, or whatever the point is, I have no pride of authorship here. It is a combination of minds working together to get something that will pass this House, and that is of absolute, paramount importance.

So without going into the details of what our McDade-McCurdy amendment calls for Members will have an opportunity to speak on the subject probably next Tuesday when that portion of this measure will be before this body.

But I want to thank the distinguished ranking member for yielding me this time to at least get these thoughts off my mind and to maybe clear the air somewhat. Hopefully the bill will move along expeditiously and then, of course, when those very critical amendments are considered, bear in mind that there will be 2 hours of debate on our bipartisan-supported amendment which I hope will pass with a very wide margin.

As the gentleman from Mississippi [Mr. Lott] has pointed out, there are also made in order a couple opportunities to weaken our amendment with two additional amendments, each of which will be debated an hour, and then finally the Barnes-Hamilton rerun of that measure will be the last one. As the distinguished member of the Committee on Rules pointed out, the last amendment standing, of course, will prevail. Hopefully Mr. Boland's and Mr. Gephardt's amendments will be defeated and Barnes-Hamilton will finally be rejected after adoption of our bipartisan amendment. In other words the first vote will come on the bipartisan amendment. We want it to pass with a wide margin and all three amendments to it defeated soundly so that on final passage it is still the bipartisan McDade-McCurdy amendment that remains standing under the procedure outlined in this rule.

Mr. QUILLLEN. Mr. Speaker, I again urge adoption of the rule so that we can get down to the business of considering this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no additional requests for time. I urge adoption of the rule and move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 267, nays 149, not voting 17, as follows:

[Roll No. 143]

YEAS—267

Ackerman	Downey	Lipinski
Addabbo	Duncan	Lloyd
Akaka	Durbin	Long
Alexander	Dwyer	Lowry (WA)
Anderson	Dyson	Lujan
Andrews	Early	Luken
Annunzio	Eckart (OH)	Lundine
Anthony	Edgar	MacKay
Applegate	Edwards (CA)	Madigan
Aspin	English	Manton
Atkins	Erdreich	Markley
Barnard	Evans (IL)	Marlenee
Barnes	Fasell	Martinez
Bedell	Fazio	Matsui
Bellenson	Feighan	Mavroules
Bennett	Flippo	Mazzoli
Bentley	Florio	McCloskey
Bereuter	Foglietta	McCurdy
Bevill	Foley	McDade
Biaggi	Ford (MI)	McGrath
Billey	Ford (TN)	McHugh
Boehlert	Fowler	McKernan
Boggs	Frost	McMillan
Boland	Fuqua	Meyers
Boner (TN)	Garcia	Mica
Bonior (MI)	Gaydos	Michel
Bonker	Gephardt	Mikulski
Borski	Glickman	Miller (CA)
Bosco	Gonzalez	Miller (OH)
Boucher	Gordon	Mineta
Breaux	Gray (IL)	Mitchell
Brooks	Gray (PA)	Moakley
Brown (CA)	Green	Mollohan
Broyhill	Guarini	Montgomery
Bruce	Gunderson	Moody
Bryant	Hall (OH)	Morrison (CT)
Burton (CA)	Hamilton	Morrison (WA)
Bustamante	Hatcher	Mrzek
Byron	Hawkins	Murphy
Campbell	Hayes	Myers
Carney	Hefner	Natcher
Carper	Heftel	Neal
Carr	Hertel	Nelson
Chandler	Hillis	Nichols
Chappell	Horton	Nowak
Cheney	Hoyer	O'Brien
Clay	Hubbard	Oaker
Clinger	Hutto	Oberstar
Coble	Jeffords	Obey
Coelho	Jenkins	Olin
Coleman (TX)	Johnson	Ortiz
Collins	Jones (NC)	Owens
Conte	Jones (TN)	Panetta
Cooper	Kaptur	Pease
Coyne	Kasich	Pepper
Daniel	Kemp	Perkins
Darden	Kennelly	Pickle
Daschle	Kildee	Price
Davis	Kindness	Quillen
de la Garza	Kleczka	Rahall
DeLay	Kolter	Rangel
Derrick	LaFalce	Ray
Dicks	Lantos	Regula
DioGuardi	Lehman (CA)	Reid
Dixon	Lehman (FL)	Richardson
Donnelly	Lent	Rinaldo
Dorgan (ND)	Levin (MI)	Robinson
Dowdy	Levine (CA)	Rodino

Rogers	Smith (NE)
Rose	Smith (NJ)
Rostenkowski	Snowe
Roukema	Snyder
Rowland (GA)	St Germain
Roybal	Staggers
Rudd	Stark
Russo	Stenholm
Sabo	Stokes
Savage	Stratton
Scheuer	Studds
Schneider	Swift
Schumer	Synar
Seiberling	Tallon
Sharp	Tauzin
Shelby	Taylor
Sisisky	Thomas (GA)
Skeen	Torres
Skelton	Torricelli
Smith (FL)	Towns
Smith (IA)	Trafiacant

NAYS—149

Archer	Gradison	Pashayan
Armey	Gregg	Penny
AuCoin	Grotberg	Petri
Badham	Hall, Ralph	Porter
Bartlett	Hammerschmidt	Ridge
Barton	Hartnett	Ritter
Bateman	Henry	Roberts
Bates	Hiller	Roe
Berman	Holt	Roemer
Billakis	Hopkins	Roth
Boulter	Howard	Rowland (CT)
Boxer	Huckaby	Saxton
Broomfield	Hughes	Schaefer
Brown (CO)	Hyde	Schroeder
Burton (IN)	Ireland	Schuettle
Callahan	Jacobs	Schulze
Chappie	Jones (OK)	Sensenbrenner
Coats	Kastenmeier	Shaw
Cobey	Kolbe	Shumway
Coleman (MO)	Koslmayer	Shuster
Combest	Kramer	Sikorski
Conyers	Lagomarsino	Siljander
Coughlin	Latta	Slattery
Courter	Leach (IA)	Slaughter
Craig	Leland	Smith (NH)
Crane	Lewis (CA)	Smith, Denny
Crockett	Lewis (FL)	Smith, Robert
Dannemeyer	Lightfoot	Solomon
Daub	Livingston	Spence
Dellums	Loeffler	Stangeland
DeWine	Lott	Strang
Dickinson	Lowery (CA)	Stump
Dorman (CA)	Lungren	Sundquist
Dreier	Mack	Sweeney
Dymally	Martin (IL)	Swindall
Eckert (NY)	Martin (NY)	Tauke
Edwards (OK)	McCain	Thomas (CA)
Evans (IA)	McCandless	Vucanovich
Fawell	McCollum	Walker
Fiedler	McEwen	Weaver
Fields	McKinney	Weber
Fish	Miller (WA)	Weiss
Frank	Molinar	Wheat
Franklin	Monson	Whittaker
Frenzel	Moorhead	Wolpe
Gallo	Murtha	Wortley
Gejdenson	Nielson	Wylie
Gekas	Oxley	Young (FL)
Gibbons	Packard	Zschau
Goodling	Parris	

NOT VOTING—17

Dingell	Hunter	Spratt
Emerson	Kanjorski	Stallings
Gilman	Leath (TX)	Traxler
Gingrich	Moore	Wilson
Hansen	Pursell	Wirth
Hendon	Solarz	

□ 1200

Messrs. HYDE, PARRIS, CALLAHAN, ROE, HUGHES, LELAND, RALPH M. HALL, MOLLOHAN, and AU COIN changed their votes from "yea" to "nay."

Mr. MOLLOHAN changed his vote from "nay" to "yea."

So the resolution, as modified, was agreed to.

The result of the vote was announced as above recorded.

H 3942

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

A motion to reconsider was laid on the table.

□ 1210

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1787, EXPORT-IMPORT BANK ACT OF 1945 AMENDMENTS

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 99-164) on the resolution (H. Res. 192) providing for the consideration of the bill (H.R. 1787) to amend the Export-Import Bank Act of 1945, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1452, REFUGEE ASSISTANCE EXTENSION ACT OF 1985

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 99-163) on the resolution (H. Res. 191) providing for the consideration of the bill (H.R. 1452) to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Speaker, apparently this gentleman from California's belief that the voting machine was in error is in fact in error and I would ask the Speaker that immediately following rollcall vote 141 that I be shown as having voted "no," had I voted.

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2577, and that I may include tabular and extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS BILL, 1985

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes; and pending

that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Massachusetts [Mr. CONTE] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman's motion is strictly on general debate and it has nothing to do with the amendment process; is that correct?

Mr. WHITTEN. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I did not understand the gentleman's question.

Mr. WALKER. I was having difficulty hearing the gentleman's unanimous-consent request. If I understood it correctly, it was for the general debate only for 1 hour and does not affect the amendment process; is that correct?

Mr. WHITTEN. That is correct, and I believe the rule fixes the time on many of the amendments.

Mr. WALKER. I thank the Chair, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

□ 1214

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2577, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I say that history repeats itself. In 1959 President Eisenhower vetoed the public works bill, and we failed to override that veto. It went back to the Appropriations Committee, and we cut all of the projects by 2½ percent; passed the bill again, sent it to the President; he vetoed it again, but this time we overrode the President's veto.

Then, as now, the argument was whether we should look after our own

country or spend all of our money on foreign aid and other things, much of it, abroad.

Here we bring you a bill in which we attempt to look after public works projects which are badly needed in the United States. For 10 years we have not had an authorization for public works signed into law.

We do not have the gold and silver today to back our money. But we do have our country, and for 10 years we have been unable to get an authorization bill through the Congress that is needed for its development and protection.

This is despite the fact that we have very able men on our Public Works Committee and other legislative committees. It is not their fault. They have tried and tried. But the fact that we have been unable to enact authorization bills of a general nature into law means that we are in a difficult situation here today. I regret that the Rules Committee had to bring out the rule that they did.

We bring a bill here today that is \$69 million below the President's recommendation. I call your attention to the fact that only a few weeks ago the President asked for a \$2.5 billion increase in foreign aid for 2 months. I have had letter after letter condemning the money in here that is for public works in our own country. I have not had a single letter complaining about what is being added as an increase for foreign countries, \$2,375 million.

Is it not ridiculous for us to get in that situation?

We had better start looking after our own country, because defense and all the rest is dependent on how we take care of it.

Mr. Chairman, this legislation is essential. It provides needed funds for dozens and dozens of essential Government programs.

After months of hearings and deliberation, this bill is \$69,111,900 below the overall amount recommended by the President and provides a total amount of funding of \$13,490,749,000 all of which was requested by your President and my President. Of the amounts recommended by the committee, over 46 percent is considered relatively uncontrollable under existing law. The committee took actions to rescind \$807,201,000 in previously appropriated funds that were deemed to be no longer necessary and recommended transfers of budget authority totaling some \$892,067,000. The bill as reported is also well within the assumptions for the revised 1985 levels of the House passed budget resolution.

The committee bill is below the budget requests of the administration. In developing the bill the committee found it necessary to reflect its own judgment and to rearrange budget priorities in a few critical areas. This was done with prudence.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3943

Let me quote from the committee report:

In preparing this measure, attention was given to the fact that we must work to reduce the deficit and work toward a balanced budget, at a level high enough to protect essential activity. A sound economy and strong public support is necessary in order to maintain national defense. It is absolutely necessary that we must protect and develop our physical resources such as our rivers and harbors, our land and our forests, if we are to remain strong and if we are to continue our position in world affairs. The Committee agrees that our nation must keep the wheels of industry turning, for our present debt is such that increased domestic production is essential.

Mr. Chairman, this is a balanced bill which touches nearly every agency and department of the Government and every part of the Nation.

The measure before us provides funding for the elderly, for the young, for the farmers, for the military, for students, for national energy needs, and for our Nation's natural resources.

And Mr. Chairman, before we complete consideration of the bill, we will also address the Contra issue.

Also, Mr. Chairman, this bill provides a total of more than \$1,700 million for supplemental pay costs to cover the expense of the January 1, 1985, pay increase recommended by the President for Federal employees.

Mr. Chairman, some of the highlights of the bill include the following:

Selected major highlights

(In millions of dollars)

Program supplementals:	Amount
Rental housing assistance—rescission of contract authority	-\$529
Other rescissions	-278
Payment to the Social Security trust fund	3,500
Aid to Israel and Egypt (subject to enactment of authorization legislation and submission of a budget request)	2,000
Guaranteed student loans	720
Food stamps	319
Commodity Credit Corporation	3,936
State Department—security supplemental and buildings abroad	245
International financial institutions	237
Veterans benefits	219
Payment to the Postal Service fund	169
Family social service	79
Student financial assistance (Pell grants)	287
Rail service assistance	69
National Forest System	61
Federal Crop Insurance Program	163
All other miscellaneous items	565

Mr. Chairman, let me say that this bill is the result of considerable effort by many, many people. First I want to thank the ranking minority member of the committee, Mr. CONGRE of Massachusetts, and all of the subcommittee chairmen and ranking minority members for their contributions. The bill before you basically reflects the recommendations of the subcommittees. Of course, all 57 members of the committee have been involved in its preparation. I believe this bill deserves your support.

Recently I made some study of the earlier days of our Congress when we

had the Articles of Confederation, and when we had the various States, and they wished to put everything back on the States. It did not work at all.

Did you ever think about why we have the word "United" in our Nation's name? It is because they brought all of the States together under the Constitution to work together, and we do not have two sets of people; citizens of the States are citizens of the United States. We are one and the same.

So I say to you as we come to consider this bill, let us decide whether we want to take care of our domestic needs first and then we can look around and see what we want to do for others. It is high time we did it.

History repeats itself. In 1959 Mr. Eisenhower was President and he vetoed the public works bill because it had 67 new starts. We failed to override his veto. It came back to committee and I made the motion for it with the support of the late Mike Kirwan, and the gentleman from Kentucky [Mr. NATCHER] who is here now. We reduced all projects by 2½ percent and sent it back to the President with the new starts retained in the bill, as Mr. Kirwan said, it is the only time that it has been successfully done in history. And I used this argument: Do you mean that you are going to let a budget officer determine what projects which you are going to have and which you are going to surrender—the obligation and the authority we have as a Congress to pick out the projects that we believe in? Are you going to have to wait for 10-year-old authorizations, because for so many years we have been unable to get an authorizing bill enacted into law.

I say the time has come, and I have said it to the Rules Committee, for the Congress to speak up and meet its obligation to the people of this Nation. I voted for the New York bailout, I voted for the Chrysler loan, because they were sound. This is a big country. I hope you will help us to treat all sections fairly and equally.

□ 1220

I repeat, the funds in this Agriculture bill are badly needed.

Mr. Chairman, as the gentlemen know, I continue as chairman of the Subcommittee of the Appropriations Committee for Agriculture. Now in the area of agriculture our Government has held farm production off of world markets and given our export markets to our competitors. All the money that they charge up to farmers as a cost of the Farm Program was in part paid to him because they would not let him sell his product. On four occasions the administration has issued embargoes on our exports where the farmers could not sell. But the middleman who bought from the farmer was paid for his loss when you would not let him ship to Russia or Japan or these other places. But if you produced the food or the commodities they did not do

anything to help pay you for the loss of your market.

Today we have \$212 billion of debt in agriculture. When at the end of this year the farmers owe interest on that debt, plus the interest on this year's loan, plus the debt for this year, practically all will be bankrupt.

Mr. Chairman, today's Wall Street Journal contains an excellent description of the critical problem now faced by farmers and others involved with the farm economy.

Let me read some of the points mentioned in the article:

The battered farm economy has deteriorated in recent weeks, shoving farm lenders and their customers deeper into the morass.

The Federal Deposit Insurance Corp.'s problem bank list now includes 371 farm banks; last June, the figure was 231. Twenty-four of the 43 banks that have failed so far this year were agricultural banks.

Farm banks—so called because at least a quarter of their loans are to farmers—and other commercial banks with agriculture portfolios together have about \$51 billion in farm exposure. As much as 50% of that debt, or \$25.5 billion, is now "dangerously delinquent or soon to be."

Some bankers predict that as many as 20 Iowa banks will fail this year. In 1984, three failed.

The farm banks' land problem also is getting worse. Through farm failures and foreclosures, banks in recent months have been accumulating farmland in many areas faster than at almost anytime since the Depression.

Mr. Chairman, it is critical that Members understand the severity of this problem. Agriculture is our largest single industry; it is larger than the auto, steel, and housing industries combined. It is the foundation of our whole economy. A fall in farm income always led off every depression. The warning signs are out.

We have \$500,000 in this will for a survey to determine how much of the present debt was incurred because the Government would not let the farmers sell their products, or would not help him to keep part of the world market. As a motion it appears now that we will be forced to suspend payment of that part of the debt caused by embargo.

I think that that is highly essential.

We have other provisions for agriculture, but the controversy here seems to be on the water projects which are so essential to our major cities and to all parts of the Nation.

I repeat again at this stage and I will speak later on this matter: Should we not retain to ourselves the obligation or the right to exercise our obligation to look after the welfare of our country, because of the debts we owe? The President's budget shows us that our debt is going to be \$2 trillion by the end of 1986, \$2 trillion. Can we afford

H 3944

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

to let our country go to pot if we are to meet such unbelievable debt? We could leave our children and our children's children all the money in the world, but without a strong land itself they would not make it. But if we protect our soil, prevent our rivers from flooding, if we take care of our country, with our harbors developed, with our streams controlled, with water supply available for our cities then their future can be good for they could set up their own financial system. If you do not go along with this bill and hope that in conference we can take care of the projects that may be left out under this rule, if you do not go along we are going to have a serious situation in our own country.

So I ask the gentlemen's help in going along with the position of our committee. I hope we can handle this matter in such a way that we will have some leeway in conference so that we can look at the projects that the committee provided for in this bill and let the Congress again regain its control from the Office of Budget and Management. We will be living up to our responsibility. We will retain in the Congress the right to designate public works projects.

I hope the gentlemen will go along with us. I am glad to see my colleagues have voted for the rule.

For those unauthorized projects which go out, I hope we can provide for them in conference, subject of course to later approval by the Congress. Since for 10 years the authorizing committee has been unable to authorize new projects, it is up to us to fill the void. These projects are supported by the local people, by their Representatives in Congress and are very much needed. I am going to do my best in conference to see that they are taken care of as we do under the rule for authorized projects.

Mr. Chairman, I ask for the support of all my colleagues for this essential legislation.

Give us a chance to help our colleagues, many of whom have waited ten years for equal treatment.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] has consumed 10 minutes.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Chairman, in the past 4 years this House has considered nine general supplementals. These bills fit a pattern, and the bill before us today is cut from the same cloth.

First, consistent with the pattern, most of the money is in a few accounts where we appropriate the amount requested by the President for routine supplementals.

In this bill, \$10.6 billion, or 80 percent of the total, is in 11 programs where we have provided the exact amount of the budget estimate, and which includes food stamps, CCC, the

international banks, Israel and Egypt, veterans' benefits, retired Federal employees, and a payment to the Social Security Trust Fund for military service credits.

This part of the bill is like a shiny new car. It is expensive, but you don't have to look under the hood to know that it will get you home.

I wish that we could pass this part of the bill separately, so that our veterans, and people on food stamps, could have their benefits while we stage our annual performance of "roll out the barrel".

Unfortunately, they will wait while we play.

That brings me to the rest of the money in the bill, which is only \$2.9 billion, and which is shown in the committee report as \$69 million under budget.

However, that \$69 million under budget is like a used car with only 69 miles on the odometer. You should look under the hood, and check the odometer very carefully, before you try to drive that car off the lot.

And if you know where to look, you will find that the odometer on this bill has been set back.

For example, if you look on page 7 of the report, you will see that the bill contains \$278 million in rescissions, which is accurate. But you will also see that there was no request for these rescissions, which is not accurate. Of the \$278 million in budget authority rescinded in this bill, \$239 million was in fact requested by the President on February 6 of this year. If those rescissions are scored as requested, which they were, then the bill is over budget by \$170 million.

In fact, on February 6 the President proposed a total of \$1.8 billion in rescissions, and by rescinding only \$278 million, we are actually over budget by a total of \$1.5 billion.

Now that you have adjusted the speedometer, you should look under the hood.

And you will find that the committee, like the master political mechanics that we are, have made some adjustments.

We cut \$885 million from the supplemental request for defense pay costs, and we approved \$39 million in rescissions which were in fact not requested by the President.

We used those savings to finance \$163 million in unbudgeted pay supplementals, and \$932 million in unbudgeted program supplementals.

Next, take the cap off the distributor, and look very carefully at the wiring.

The pay supplementals that we received from the administration required that DOD absorb only 26 percent of its additional pay costs, while all other agencies had to absorb 72 percent. I think those priorities were wrong, and so did the committee.

By cutting \$885 million from DOD pay, and adding \$162 million for other agencies, we provide that both DOD

and the civilian agencies absorb 56 percent of their additional pay costs. I think those priorities are right, and deserve your support.

When we added \$932 million in unbudgeted program supplementals, we included \$171 million for 65 new water projects, which have a total cost now estimated at \$4 billion. While several of the worst projects were stricken by the full committee, it remains to be seen whether we can reach a compromise with the Senate which will be acceptable to the administration.

We added \$168.6 million to cover the additional revenue forgone by the Postal Service due to volume increases and the rate increases implemented in February of this year.

We added \$55.5 million for guaranteed student loans, which is the additional amount required under current law.

We added \$287 million for Pell grants, which is the additional amount required to continue assistance with a maximum award of \$2,100 and a cost of attendance limit of 60 percent as provided by current law.

We added \$35.6 million for foster care and adoption assistance, which is the additional amount required under current law.

We added \$45 million for the Bureau of Land Management to cover funds already borrowed and spent for emergency firefighting costs.

That's how it looks under the hood.

Most of the program supplementals are required under existing law. Our proposed pay supplementals are, frankly, more fair and equitable than those recommended by the administration.

While I cannot support the water projects on their own, they are only one chapter in this bill.

Each Member must make his or her own judgment, but for my part, I intend to give this car a test drive.

Mr. Chairman, when I testified before the Rules Committee I suggested that if the money for Nicaragua ends up being put in here it might be called "pork insurance," to secure the administration's support for some of these water projects. In fact, I wonder whether the Nicaragua money should really be put in the agriculture section of the bill.

In full committee, we made some improvements in the water section of the bill—and the gentleman from Alabama is to be commended for that effort. We removed two projects, and added cost sharing language to the Animas La Plata project in Colorado. But the section is still objectionable.

I talked a minute ago about how you should look under the hood and kick the tires of this car. Well, unless we adopt some of the amendments today to cut back on these water projects, you'd also better look behind the car and see if you're dragging about 5 billion dollars' worth of cement and concrete. Even if it doesn't stop you com-

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3945

pletely, it's sure going to kill your miles per gallon.

□ 1230

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] has consumed 8 minutes.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from Kentucky [Mr. NATCHER], a member of the committee.

(Mr. NATCHER asked and was given permission to revise and extend his remarks.)

Mr. NATCHER. Mr. Chairman, chapter VIII of the fiscal year 1985 supplemental appropriations bill, H.R. 2577, includes \$4,592,841,000 for the Departments and Agencies under the jurisdiction of the Labor, Health and Human Services and Education Subcommittee. This is an increase of \$384,091,000 over the amount requested by the President. Of the total recommended in the bill, \$4,299,841,000—94 percent—is for entitlement activities where payments are mandated under existing law. This includes an indefinite appropriation of not to exceed \$3,500,000,000 for payments to the Social Security Trust Funds required by the Social Security Amendments of 1983. This payment adjusts the credit to the trust funds made in 1983 for pre-1957 military service credits. This appropriation is described in detail on pages 110 and 111 of the committee report. Other mandatory payments include \$79,495,000 for foster care and adoption assistance programs authorized by title IV-E of the Social Security Act and \$720,346,000 for the Guaranteed Student Loan Program.

Chapter VIII includes a supplemental amount of \$287 million for the Pell Grant Program. Adding this amount to the \$3,325 million included in the 1985 Appropriations Act will provide a total of \$3,612 million for Pell grant awards for the coming academic year 1985-86.

In the 1985 appropriation for the Department of Education we recommended, and Congress approved, a maximum Pell grant award of \$2,100 up to a limit of 60 percent of the cost of attendance at a college or university. These provisions were included in the appropriation bill signed by the President on November 8, 1984.

In the 1985 supplemental budget submitted by the President on February 4, 1985, as request was included to reduce the maximum Pell grant from \$2,100 to \$2,000 up to 50 percent of the cost of attendance. We examined this request from the President and found that almost 1 million low income students would receive little or no increase in their Pell grant award.

The subcommittee recommended going along part way with the budget request by providing a maximum grant of \$2,100 up to 50 percent of the cost of attendance. But this action would also have resulted in many low income students attending public community

colleges not receiving any increase in their Pell grant award.

In full committee, I offered an amendment which was adopted to retain the maximum grant of \$2,100 up to 60 percent of the cost of attendance. I felt we were right last year when the 1985 appropriation was enacted and I still feel that we should stay with it and make no changes. Millions of low income students have been counting on some increase in their Pell grant award, and I think we should help them as much as we can.

There is a shortfall in the Pell grant program from 1983 and 1984 appropriations of \$468 million. The administration has proposed to borrow this amount from the 1985 appropriation and we have agreed to allow them to cover the prior years' shortfalls in this manner. However it would be more appropriate for the administration to submit a budget request to cover prior years' shortfalls so that continued borrowing would not be necessary.

In any case, we want to make it clear that the supplemental bill includes sufficient funds to provide a \$2,100 maximum Pell grant up to 60 percent of the cost of attendance. In the 1986 appropriation bill, the whole matter of Pell grant funding will be considered including the problem of prior years' shortfalls.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. CONTE asked and was given permission to extend and revise his remarks.)

Mr. CONTE. Mr. Chairman, the minority agrees with the gentleman from Kentucky, chairman of the subcommittee on Labor-Health and Human Services—Education.

Mr. Chairman, the labor, health and human services, and education section of this supplemental contains a relatively small number of money items, compared to a number of other sections, although a large Social Security item makes the amount of funding proposed quite significant.

This section provides \$4.593 billion in program supplementals for labor, health and human services, and education programs, \$384 million over the budget request.

Of that total, \$4.3 billion is for mandatory items that need to be provided: \$3.5 billion for Social Security, \$720 million for guaranteed student loans, and \$79.5 million for adoption assistance and foster care.

The balance is for discretionary programs, for which there was no administration request for funds: \$287 million for Pell grants and \$6 million in firsttime funding for the Family Violence Prevention and Services Act. There is also \$30 million in trust fund money provided for State unemployment insurance operations.

The largest item is the \$3.5 billion for Social Security, and deserves a word of explanation. It represents the second installment of cashing out the pre-1957 military service credits, as re-

quired by the Social Security bailout legislation passed in 1983. The administration requested the full \$3.5 billion, but since the actual requirement won't be finally determined until September 30, the bill provides an indefinite appropriation of up to \$3.5 billion.

Another \$1.07 billion is for Student Financial Assistance Programs. \$720 million is for guaranteed student loans, \$665 million of which, requested by the administration, is to cover shortfalls in fiscal year 1984 and fiscal year 1985. The remaining \$55 million, added by the committee, is to cover the cost of State administrative allowances and loan advances, which the Department had proposed to eliminate in fiscal year 1985, but which a number of States indicated could lead to serious problems in their administration of the program; \$287 million is for Pell grants, to cover estimated shortfalls in the current program during fiscal year 1985. The administration had requested reducing the maximum grant and cost of attendance allowance from the \$2,100/60 percent provided for in the fiscal year 1985 labor, HHS, and education appropriations bill. The committee chose not to reduce the scope of the program, but rather to provide the funds necessary to meet the Congressional Budget Office estimates of the full cost of the program at a \$2,100 maximum grant, 60 percent cost of attendance allowance level.

It should be pointed out, however, that the Pell Grant Program remains seriously underfunded. This supplemental does not address shortfalls in the program accumulated during fiscal years 1983 and 1984, estimated by the Department of Education to amount to \$468 million. Somehow this will still need to be addressed in the near future, and represents a serious problem.

I would like to call attention to the \$6 million in firsttime funding for the Family Violence Prevention and Services Act, passed as title III of the child abuse amendments at the end of the last Congress. This was an amendment I offered in full committee. It will provide funds to the States to set up shelters for battered spouses and their children. A small portion of the funds, 15 percent, will go toward the establishment of a National Clearinghouse on Family Violence Prevention and to make training and technical assistance grants to local and State law enforcement agencies to provide means for effectively responding to incidents of family violence.

Domestic violence is a major problem that we have swept under the rug for too long. When the authorization bill was being considered in the House, some figures were used that there may be something like 6 million cases of spouse abuse a year, with some 2,000 to 4,000 spouses battered to death.

This program will serve as seed money, providing funds that have to

be matched on the State and local levels to set up shelters. No shelter can receive funding for more than 3 years, and the matching requirement goes up each of the 3 years. So we will not be setting up another Federal bureaucracy here, but using Federal funds in their most effective way, as seed money and as an incentive to encourage involvement on all levels in this issue so deserving of attention.

I am pleased to say that this amendment received a wide degree of bipartisan support in Congress from the Congressional Caucus on Women's Issues, of which I am a member, members of the Select Committee on Children, Youth, and Families, and many individual Members in the House and the Senate. It also enjoyed the support of many organizations, such as the Association of Junior Leagues, and organizations in my congressional district, such as the Women's Services Center in Pittsfield.

The other major funding item in this section is \$79.5 million for foster care and adoption assistance, two recently created entitlements that are now growing by leaps and bounds. The administration requested the \$79.5 million, but request that \$35.6 million of it be transferred from other programs. The committee agreed with the overall amount, but not with the transfer, and so provided the full \$79.5 million by supplemental funds.

Finally, in this section of H.R. 2577, there are a number of bill and report provisions, of greater or lesser significance, dealing with the timing or conditions relating to appropriations items provided in previous appropriations action.

There is one of these I would draw special attention to. The report language concerning the Area Health Education Center Program is of concern to me. It involves a very technical matter of interpretation of the authorization legislation relating to the availability of special initiatives grants. The situation is that there are a few States that have rather unique AHEC setups, involving regional AHEC's that were set up over a staggered period of time. Some of those regional AHEC's have completed their 6 years of core Federal support, while other regional AHEC's in the State are still in their 6-year core support period.

In 1981, in the Omnibus Reconciliation Act, a special initiatives program was set up to allow small grants to those AHEC's that had completed their 6 years of core support for innovation and development. That act did not take any special recognition of the unique way that the AHEC's Program is set up in two or three States across the country, and the question is how those unique programs should be treated under the special initiatives program. Since the statute is not clear, one must turn to the report language, where it is clear that the purpose of the new program was to provide a

grant program to AHEC's that had exhausted their core support. And since that is the clear intent of the program, the statute should be interpreted accordingly, to make the special initiatives program available to AHEC's that have exhausted their core support, including those regional AHEC's that have done so. It is my belief that the Office of the Secretary in the Department of Health and Human Services should reconsider the position of the Health Resources and Services Administration on this issue, in light of the need to make the interpretation of the statute reflect the intent of Congress in creating the program. There is absolutely no clear program or policy reason to sidetrack this intent through a narrow reading of the statute that goes off on a technical interpretation not clearly grounded in the meaning of the statute or in the intent of the Congress, and I would urge the Department, on this small issue of great importance to me, to reconsider the issue accordingly.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. BOLAND].

(Mr. BOLAND asked and was given permission to revise and extend his remarks.)

Mr. BOLAND. Mr. Chairman, chapter VI, the HUD-independent agencies chapter, is truly noncontroversial. I'll take just a few minutes to highlight the key provisions of this chapter.

We have included supplemental appropriations of \$239,700,000. Offsetting that amount, a total of \$628,846,000 is proposed for rescission. And of that amount—\$24,906,000 is in response to section 2901 of the Deficit Reduction Act of 1984.

Under the Department of Housing and Urban Development, the committee is recommending that an additional \$528,940,000 of section 236 budget authority be rescinded. This action will complete the conversion of units receiving rental assistance payments to the section 8 subsidy program. This conversion process has been underway for a number of years. It provides a long-term solution to the problem of inadequate funding to amend RAP contracts.

Second, under HUD, the administration proposed that \$253,137,569 of excess 1985 public housing operating subsidy funds, be rescinded. The committee has recommended reducing that rescission to \$75 million and the bill also includes language which will permit unutilized funds to be carried over from 1985 to 1986. In reducing the rescission, the committee recognizes that additional funds will be required in 1986 over and above the budget request of \$1,010 million. To meet actual performance funding system requirements for operating subsidies next year.

The committee has included \$500,000 under the Consumer Product Safety Commission to continue the interagency study of cigarette fire

safety. The purpose of this effort is to study cigarettes which are more rapidly extinguished to reduce the risk of household fires.

In connection with the Environmental Protection Agency the committee is recommending a supplemental appropriation of \$20 million to help implement EPA's expanded responsibilities under amendments to the Resource Conservation and Recovery Act passed last November. In order to provide EPA with the resources to undertake these new activities the committee approved a \$21 million reprogramming in January. This \$20 million supplemental appropriation will add 50 work-years and provide the necessary funds for meeting the new permitting and enforcement activities outlined in the legislation.

With respect to the Veterans' Administration, the committee has included the requested \$175 million for compensation and pensions and \$44.2 million for readjustment benefits. These amounts will provide funding for added entitlement benefits authorized by the Congress last year.

For increased VA pay costs, the committee is recommending supplemental appropriations of \$186,050,000 in new budget authority and \$2,712,000 in transfers. This involves the largest single increase in our chapter—\$80 million for the VA's medical care appropriation. The administration had requested a \$72,524,000 supplemental appropriation in medical care and proposed that the VA absorb an additional \$106,695,000.

Requiring the VA to absorb more than \$100 million would cause medical care staffing to drop 2,100 positions below the 193,941 established when Congress passed and the President signed the 1985 HUD-Independent Agencies Appropriation Act.

I want to make clear that the committee does not agree that hospital staffing should be reduced. Such action not only limits the number of patients that can be treated—but—more importantly—it reduces the quality of care to levels that could threaten the safety of the VA patients.

For those reasons, the committee has recommended that \$152,524,000 be provided for increased pay costs in the medical care account. This increase of \$80 million will allow the VA to maintain an average employment of 193,941 and avoid unnecessary and potentially damaging reductions in required medical activities.

Finally, Mr. Chairman, I want to touch on an item that is not included in the bill. The Federal Emergency Management Agency proposed a transfer of \$3.1 million to the salaries and expenses appropriation from the emergency management planning and assistance account to cover a projected salary shortfall of approximately \$3 million. In addition, FEMA requested that \$2,472,000 be transferred from

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3947

the same account to provide for increased pay costs.

The committee is not recommending any transfer of funds the report on page 99 details the rationale behind this action—but I would like to touch on one or two points.

The simple fact is that FEMA has been employing more people than it can support on an annual basis. But what is more troubling is that the Agency and its management has been aware of the problem and has not taken action to correct it.

This management problem dates back to fiscal year 1984 when the Agency obligated \$3.7 million more for salary costs than were budgeted. The additional funds were taken from other objects such as travel and equipment. And today—1 year later—FEMA still has more employees on board than it can support. This violates existing law which states that funds should be apportioned to prevent obligations or expenditures at a rate that would require a supplemental appropriation. The fact is that FEMA is technically in violation of the Anti-Deficiency Act.

Also, contributing to the problem is the fact that unused funds targeted for salaries under the Government preparedness activity were used to augment the management function. FEMA took this action without informing the committee and in clear violation of established reprogramming procedures. At the end of fiscal year 1984, approximately 100 people were augmenting the management function—but the simple fact is that the Agency did not have the funds available to support those positions.

The committee's recommendation is intended to force the agency to reduce employment now rather than later. The fact is that even if all the funds requested for transfer were provided in 1985—FEMA would still have to reduce employment by several hundred positions in order to get down to a level that it can support in 1986.

Mr. Chairman, this situation is intolerable. The Agency is purposely attempting to force the Congress to provide a supplemental appropriation. For all practical purposes, FEMA management is ignoring the problem—because that management expects the Congress to come to its rescue. In other words, FEMA is telling us that unless we provide the money—it will furlough hundreds of employees.

I recognize that this action is tough—it is difficult—but I believe it is necessary. Why is it necessary—because it goes to the very heart of the constitutional relationship of the Congress and the executive branch as it relates to the power of the purse. I urge the Members of this House to support the committee's recommendation.

Mr. GREEN. Mr. Chairman, chapter VI of this bill, the HUD and independent agencies chapter is very noncontroversial, but does meet some impor-

tant national needs. I should like to detail just a few.

This bill includes \$5 million for the EPA to continue its work in implementing the Resource Conservation and Recovery Act, enacted last year. This money is to be used for salaries and expenses, largely for hazardous waste permitting and enforcement activities. This act forms an important part of our national environmental policy and money appropriated for this purpose is a sound investment.

We have provided the Veterans' Administration with \$44.2 million in funds for readjustment benefits. These additional funds will assist Vietnam-era veterans by increasing their educational subsistence benefits. This addition is necessary to make the increased payments authorized by the Veterans' Benefits Improvement Act of 1984. This is consistent with this House's support of Vietnam-era veterans and is an important part of our Nation's veterans' programs.

Finally, Mr. Chairman, chapter VI contains a rescission of \$75 million in operating subsidy money for low-income housing projects. This is substantially less than the amount of the rescission requested by HUD, but reflects what we on the subcommittee believe to be a level that will allow local public housing authorities to meet their obligations.

Let me conclude by saying that the minority is in full agreement with the chairman of the subcommittee on this chapter of the bill, and I urge Members on this side of the aisle to adopt this chapter and the bill.

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Chairman, chapter VI contains our committee's recommendations for —\$389.2 million, including rescissions of budget authority in the amount of \$99.9 million, rescissions of contract authority in the amount of \$528.9 million and \$239.7 million in new appropriations.

We have included the administration's requests for \$175 million to the Veterans' Administration for compensation and pensions payments and \$44.2 million to the VA for readjustment benefits. We have approved a deferral request of the National Science Foundation for \$31.5 million in science education funds, and we have approved a request from the National Aeronautics and Space Administration for clarification of congressional intent in providing a total of \$155.5 million for space station activities in the fiscal year 1985 appropriation act. In addition, we have approved \$24.9 million in deficit reduction act rescissions, most of which had been proposed by the President in February.

For the Department of Housing and Urban Development, the committee has recommended a supplemental rescission of \$23.4 million in contract authority and \$528.9 million in budget authority in response to revised esti-

mates on the number of conversions from the rental assistance program to the section 8 program in 1985. We have also recommended the rescission of \$75 million in payments for the operation of low-income housing projects to address revised estimates on 1985 operating subsidy requirements and projections for fiscal year 1986 requirements.

With regard to unrequested program supplementals, the committee has recommended \$500,000 for the Consumer Product Safety Commission to cover costs related to the recently authorized cigarette fire safety study and costs related to meetings of the technical study group.

We have included a total of \$20 million and 50 work years for the Environmental Protection Agency to accelerate regulatory development and technical assistance in support of Resource Conservation and Recovery Act-related activities under abatement, control, and compliance.

In title II of the bill, the committee has recommended \$186 million in supplemental appropriations for pay costs, and \$1,712 million in transfers. The majority of the \$75 million increase over the administration's requests is for medical care at the Veterans' Administration, and allows the VA to avoid anticipated reductions in medical care activities.

Mr. WHITTEN. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I will respond primarily on chapter II, which is under the subcommittee I am privileged to chair.

You might think, to read the newspaper or hear the news, that this whole bill is about Nicaragua. As a matter of fact that is \$14 million; the bill covers between \$13 and \$14 billion in supplementals, and there are some very important matters involved totally unrelated to Nicaragua. Chapter II totals about \$408 million in supplemental funds, but we are \$1.5 million under what the amount appropriated in the 1985 enacted law plus the supplementals requested by the administration.

Under this bill, we implement the Comprehensive Crime Control Act we passed here last fall. The prison system is involved; additional Border Patrol agents are involved; drug enforcement is involved; the FTC, SBA, and the Maritime Commission, the SEC, there is funding to enhance security for the embassies overseas where we have had some problems and Americans have died.

There are a number of very important things in this bill that have not received much attention, and I think it should be called to everyone's attention that there are many items affecting virtually everyone in the United States in this bill and that the dispute regarding aid to Nicaraguan Contras is only a small part of the bill.

H 3948

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding, and I ask him to yield for the purpose of engaging in a colloquy.

Chairman SMITH, I want to express my gratitude for supporting my request to disapprove the administration's proposal, D85-94 on page 9 of H.R. 2577, to defer the \$8.5 million appropriated for replacement of the training vessel of the State University of New York Maritime College in the supplemental appropriations bill, 1984. The administration has done little, if anything, to pursue the issue of replacing the *Empire State*. That vessel is 33 years old and is becoming more expensive and difficult to maintain with each passing year.

Now, it appears that the only solution is to again mandate the immediate acquisition of a replacement training vessel for New York, as a continuation of the program that commenced with the replacement of the Massachusetts training vessel, the *Bay State*. I believe the acquisition of a replacement vessel will be cost-effective and in the national interest. I again thank you for your continuing interest and support.

Mr. SMITH or Iowa. The gentleman from New York is correct in his review of this very important issue. Last year, we appropriated these funds for a replacement training vessel and included in the Supplemental Appropriation Act language that authorized all Federal agencies to expedite the acquisition of any vessel declared surplus. Since then, we've received correspondence from the Maritime Administration, stating that continuous surveillance over potentially available ships has identified only three ships—all of which they say are less suitable than current training vessels.

While the Administrator of the Maritime Administration indicated in testimony before our committee that the current ship would be good for a minimum of 5 to 8 years more, we also heard testimony from the admirals of the State academies—including the New York Maritime Academy—concerning the state of disrepair and poor condition of the current school ships.

I agree that the \$8.5 million should be made available. Hopefully, this will also motivate the administration to establish a program for the replacement of training vessels used by other State academies.

I want to thank the gentleman for his kind remarks. I am pleased to have been of assistance.

Mr. BIAGGI. I want to again thank the gentleman from Iowa. I expect that, since this is the second time we have expressed our intentions, the administration will proceed with the acquisition of a replacement training vessel for the State University of New York Maritime College.

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Chairman, chapter II of the supplemental provides \$407.5 million for programs and activities of the Departments of Commerce, Justice, and State, the Judiciary and certain related agencies, \$1.5 million below the budget requests. Of the total amount appropriated, \$336.5 million is for program items, and \$71 million is for pay costs.

The committee has denied all major rescission proposals, the amounts of which are not reflected in the comparisons just cited. Programs which would be required to be funded by this action include \$203 million for the Economic Development Administration, \$100 million for several grant programs within the National Oceanic and Atmospheric Administration, and \$18.5 million for trade adjustment assistance for firms impacted by imports. The total amount for these three programs, \$321.5 million, represents 86 percent of the total rescissions requested by the President for items in this chapter.

More than half of the total program supplementals included in this chapter, or \$234 million, is for phase II of the State Department security supplemental request. Phase I was funded in Public Law 98-473, the fiscal year 1985 continuing resolution, in the amount of \$110 million. This program was designed as a response to the bombings of our Embassy facilities in Lebanon and Kuwait last year. A number of Embassies are to be relocated and others will receive security upgrades, mostly in the Middle East and Persian Gulf areas. The specific locations are identified in the committee report. Also provided are addition regional security officers, armored vehicles, marine security guards, and improved communications. Security at the main State Department facilities in Washington will also be enhanced.

This chapter also includes \$20.1 million for contractor delay claims and additional operating costs for the Moscow Embassy project. These funds are needed because of unforeseen delays by the Soviet contractor, and the United States will pursue the recovery of some or all of the claims.

Smaller items in the chapter include \$3.9 million for the Arms Control and Disarmament Agency for additional costs related to the Geneva arms reduction talks, \$20 million for the Board for International Broadcasting for the capital modernization plan for Radio Free Europe/Radio Liberty, \$6.6 million to the U.S. Information Agency to continue the facilities modernization program for the Voice of America, and the funding necessary for a number of Department of Justice and Judiciary accounts to meet the increased requirements of the Comprehensive Crime Control Act of 1984 and the Bankruptcy Amendments and Federal Judgeships Act of 1984, including the initial funding for the U.S. Sentencing Commission.

Report language accompanies the bill, including additional views by the three minority members of the subcommittee, dealing with the procedures to be followed by the administration in connection with applications pending before the Federal Communications Commission to provide additional international satellite communications service. Hopefully, agreement can be reached before the House-Senate conference on the bill so that language can be included in the statement of the managers which is satisfactory to all parties concerned, including Intelsat.

Two controversial transfer proposals have not been approved, namely to transfer \$12.2 million from the Juvenile Justice and Delinquency Prevention Program, and \$3.9 million from the State and Local Drug Grants Program, which funds the Regional Information Sharing Systems [RISS]. The committee continues to support these programs and, therefore, we have denied these transfers.

Finally, this chapter contains all language addressed to the Maritime Administration which prohibits funds to be used to enforce any rule allowing the repayment of construction differential subsidies by ship owners as a means of entering into now proscribed domestic trade, unless legislation is enacted by Congress regarding this matter. Similar language was carried in fiscal year 1984 and fiscal year 1985 appropriation acts.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. ADDABBO].

(Mr. ADDABBO asked and was given permission to revise and extend his remarks.)

Mr. ADDABBO. Mr. Chairman, the Defense portion of this supplemental bill deals mostly with providing additional appropriations for pay raise costs.

The first language provision makes available \$1,500,000 from available funds to pay for the expenses of the Commission on Merchant Marine and Defense. This Commission is to address the problems relating to the transportation of defense materials and personnel in time of war or national emergency and report its findings to Congress. It was felt this was an important area that needed a study and the Commission was authorized in last year's DOD Authorization Act.

The other language provision deals with the Civil Air Patrol and corrects an imperfection in the DOD Authorization Act of last year. The provision would allow the Air Force to reimburse the Civil Air Patrol for purchases of major items of equipment. Presently, the Air Force must be the purchasing agent resulting in long delays and most costly purchases.

The committee included a paragraph which provides transfer authority of \$240 million to begin a rewinging pro-

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3949

gram for the A-6E attack aircraft. It has been discovered that the wing life of the aircraft is substantially less than anticipated resulting in the grounding or restricted flight of a number of the aircraft. The committee feels this program should go forward as soon as possible in order to get these aircraft back to full flight status quickly. The committee realizes appropriate authorizing legislation will have to be enacted before this program can go forward and an amendment will be offered at the proper time insuring this fact.

The committee considered supplemental requests to cover the pay raise costs of \$2.2 billion. The committee recommends the appropriation of \$1.3 billion and transfer authority of \$600 million to cover these increased costs. The reduction of \$300 million results from the identification of certain program surpluses, lower personnel strengths, lower contract support service levels, and other areas. The full explanation of these recommendations appears on pages 45 through 51 of House Report 99-142 presently before you.

Mr. Chairman, that briefly describes the defense chapter of the supplemental appropriations bill, 1985.

□ 1240

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. McDADE].

(Mr. McDADE asked and was given permission to revise and extend his remarks.)

Mr. McDADE. Mr. Chairman, the defense portion of this year's supplemental is very straightforward, and in my view, noncontroversial. The administration requested funds only for the annual pay increase for both military personnel (4 percent) and civilian employees (3.5 percent) of the Department of Defense, increases authorized by the Congress last year.

To cover the pay raise, the administration requested about \$2.16 billion. The Appropriations Committee has approved the following approach to meet the request.

The request was reduced by \$337 million, due to surpluses identified by the Department, and also because the supplemental requested funds which were inappropriate for this supplemental; the committee approved an increase in new obligational authority of \$1.28 billion; and finally, it has been recommended that another \$590 million, from other DOD accounts, be transferred to help defray the pay raise costs. These transfers consist primarily of contract savings and anticipated lapsing balances.

The minority members of the committee have endorsed this approach, and I urge its approval by the house.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois [Mr. YATES].

(Mr. YATES asked and was given permission to revise and extend his remarks.)

Mr. YATES. Mr. Chairman, chapter VII of the fiscal year 1985 supplemental bill deals with the Department of the Interior and related agencies and contains a net of \$89,155,000 in new budget authority for program supplementals. That total includes \$146,037,000 of appropriations offset by \$56,882,000 in rescissions. In addition, it contains \$48,725,000 for increased pay costs.

The bulk of the funds recommended for appropriation are for repayment of emergency firefighting costs which have been borrowed from other accounts. These amounts include \$45,000,000 for the Bureau of Land Management; \$3,900,000 for the National Park Service; \$12,850,000 for the Bureau of Indian Affairs; and \$61,247,000 for the Forest Service; a total of \$122,997,000 out of the \$146,037,000 in supplemental appropriations recommended. Other amounts recommended are \$6,760,000 for unemployment compensation costs; \$1,994,000 for the Northern Marianas cost-of-living adjustment; \$4,800,000 for Office of Surface Mining regulatory activity; \$100,000 for costs for the Martin Luther King Center; \$800,000 for late interest payments to States from receipts under the Minerals Leasing Act, \$7,018,000 for Indian trust responsibilities, and \$1,568,000 for construction of an earthquake emergency communications system in Mono Valley, CA.

The bill includes \$48,725,000 for pay costs out of a total liability of \$88,288,000, which means agencies will absorb 45 percent of the cost.

Rescissions include \$26,882,000 pursuant to section 2901, Deficit Reduction Act and \$30,000,000 of contract authority from the land and water conservation fund. The offset fiscal year 1986 requirements, \$8,808,000 in new deferrals have been recommended.

In addition to the appropriations recommended, the bill recommends denying \$1,179,388,000 in deferrals proposed by the administration. Of this amount, \$1,097,776,000 is for constructing and filling the strategic petroleum reserve. The administration proposal is for a moratorium on the reserve for several years. Our hearings bring us to the conclusion that this is not a good policy. There is no more storage capacity left in the reserve; oil cannot be distributed at sufficient rates; there is a lead time of several years for constructing capacity and our ability to cover import reductions will be decreasing in that time; a moratorium does not save money; and overall stocks have not increased for 4 years so that we are not better off than we were before. For all these reasons the bill recommends rejecting the construction deferral and also filling the reserve at a minimum of 50,000 barrels a day in fiscal year 1986.

The bill recommends disapproval of \$38,925,000 out of a proposed \$48,397,000 deferral for fossil energy research and development in the Department of Energy. We believe these funds are necessary to continue a balanced research program in fiscal year 1985 in areas such as magnetohydrodynamics, gasification, liquefaction, cleanup systems, and fuel cells.

The bill also recommends disapproving the deferral of funds for the construction of a tunnel through the Cumberland Gap, based on safety considerations and preserving the historical features of the National Park. Through the efforts of the committee and the physical configuration, Kentucky and Tennessee have agreed to assume maintenance and operating costs of the tunnel and access roads once the tunnel is built.

The committee is providing \$800,000 for payments to States from receipts under mineral leasing to enable the Minerals Management Service to pay late interest payments due to States and Indian allottees from the collection of royalties from mineral leasing operations. The committee is disappointed in the performance of MMS in correcting this deficiency in light of the commitments made in their fiscal year 1984 reprogramming request to initiate procedures to more quickly process royalty information and decrease reporting and data base errors. The committee expects MMS to seek to remedy this problem and implement the procedures outlined by MMS to the committee so that there will be no need for such funding in fiscal year 1986.

Finally, it is recommended that the proposed deferral of funds to the Navajo Indian irrigation project be disapproved.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, chapter VII, Interior and Related Agencies, provides for \$146 million in appropriations, \$56.9 million in rescissions, and \$8.8 million in new deferrals. The committee also recommended disapproval of \$1.2 billion in deferrals recommended by the President.

For the Bureau of Land Management, "Management of Lands and Resources," the committee recommended a straight appropriation of \$45 million to cover emergency firefighting costs. Under authority provided in the general provisions of the 1985 Appropriations Act, the Secretary of the Interior is authorized to transfer appropriated funds from several accounts within the Department to pay for fire costs in excess of appropriations provided. However, this provision also requires that the borrowed funds be replenished with a supplemental at the earliest opportunity. The administration requested no additional funds, but instead proposed to use resources available as a result of a proposed deferral

H 3950

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

of construction funds for the Cumberland Gap Tunnel project.

In addition to providing the full amount required to cover unanticipated fire costs, the committee recommended disapproval of the \$34.7 million deferral for construction of the Cumberland Gap Tunnel. Although it was agreed to fund the construction of this project, the committee was especially concerned that the operation and maintenance costs be borne by the States involved. It's expected that the fiscal year 1986 Interior and Related Agencies appropriations bill will contain language to condition Federal appropriations upon an agreement between the States to provide for the operation and maintenance of the tunnel.

Under general provisions for this chapter, bill language is included to prohibit the implementation of a comprehensive Federal land interchange between the Forest Service and the Bureau of Land Management. Part of the interchange may be done without legislation; so this section would prohibit the planning for this program in the absence of authorizing legislation and a comprehensive field implementation plan. The administration objects to this provision and stated that "such a prohibition unnecessarily eliminates potential savings."

Of the \$48.4 million proposed for deferral in Fossil Energy Research and Development, this supplemental disapproves \$38.9 million of the requested amount for deferral. The specific projects are listed in the committee report.

The largest single dollar amount considered in chapter VII addresses a proposed deferral for the strategic petroleum reserve. The administration requested an immediate moratorium on further construction of storage facilities and oil acquisition for the strategic petroleum reserve.

The committee recommendation contained in this bill provides for the completion of the proposed construction at the Big Hill facility in Texas and the acquisition of oil, at a lower rate, to fill SPRO storage capacity. Under this plan, the fill rate for the reserve would be 50,000 barrels a day. The construction deferral was \$271 million, and the acquisition deferral was \$827 million. Both deferrals were rejected.

Finally, of the \$88.3 million needed to cover the total amount of the pay costs, this supplemental provides \$48.7 million for the agencies in this chapter. The administration requested \$19.5 million. The committee also approved \$26.8 million in rescissions, and \$8.8 million in deferrals.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. I thank the chairman and compliment him on his efforts in bringing this bill to the floor.

At this time, I yield to my colleague on the subcommittee, the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. I thank the chairman of the subcommittee for allowing me an opportunity to state and highlight for the record the committee's intention in drafting certain language now under consideration by the House.

In essence, the bill would direct the Secretary of the Department of Transportation to reexamine and, where appropriate, to revoke, suspend, or modify an air carrier's certificate or permit where it is found that the air carrier has violated U.S. law pertaining to the illegal importation of controlled substances or has failed to adopt certain measures to prevent the importation of illegal drugs into the United States aboard its aircraft.

Mr. Chairman, you and I were present during the committee's debate about this language. In an effort to preclude anyone in the public or private sector from concluding that this bill language merely restates existing law and provides no new grant of substantive authority to the Secretary, I would like to pose to you the following questions, if I might:

Do I understand correctly that this language poses upon the Secretary of the Department of Transportation a nondiscretionary duty to revoke, suspend, or modify the certificate or permit of an air carrier upon a finding that the air carrier has violated U.S. law pertaining to the illegal importation of drugs into the United States or has failed to adopt available measures to prevent such illegal importation?

Mr. LEHMAN of Florida. The gentleman is correct.

Mr. MRAZEK. Do I also understand correctly that this duty is distinct from, and independent of, her existing discretionary powers to revoke, suspend, or modify an air carrier's certificate or permit?

Mr. LEHMAN of Florida. This is correct.

Mr. MRAZEK. The committee observes in its report, 99-142 at page 121, that the Department of Transportation has not acted expeditiously or forcefully in stopping the flow of drugs into the United States by air carrier. I would ask the chairman if he will support efforts during the next fiscal year's hearings to have the Secretary account for her efforts to execute and administer the bill's mandate.

Mr. LEHMAN of Florida. I certainly will support the gentleman's efforts on such occasions.

Mr. MRAZEK. I thank the chairman and also the chairman of the subcommittee. Through your leadership, this body continues to demonstrate its unwavering commitment to act forcefully to stop the flow of illegal drugs into the country. I feel, with your continued active support, Mr. Chairman, we will get the job done.

Mr. LEHMAN of Florida. I thank the gentleman.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Transportation chapter of the supplemental provides necessary funds for a number of important programs. Perhaps the most time-sensitive is the provisions of funds for the salaries of employees of the Interstate Commerce Commission, who have been subject to a furlough program since mid-April. I hope that it will be possible to end the furloughs as soon as this bill is through the House and some indication of Senate intentions with regard to the ICC can be obtained.

We have also included funds for a rail-highway crossing demonstration project in Springfield, IL, and have provided for an increase in the limitation of section 511 railroad loan guarantees, which will permit the Federal Railroad Administration to consider additional guarantee applications.

For the Coast Guard, we have included \$8.4 million for the removal of a railroad bridge that obstructs navigation in Newark Bay, NJ. In addition, we have included funds to liquidate some defaulted railroad loan guarantees, to settle some of the remaining Conrail litigation, and to provide for certain capital improvements on the Panama Canal.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. McHUGH].

(Mr. McHUGH asked and was given permission to revise and extend his remarks.)

Mr. McHUGH. I thank the chairman for yielding time to me.

Mr. Chairman, I rise in support of this supplemental appropriations bill for fiscal year 1985 and urge my colleagues to support it. I would especially like to commend our chairman, the gentleman from Mississippi [Mr. WHITTEN] for his leadership and cooperation in helping to resolve a crisis affecting the Special Supplemental Food Program for Women, Infants and Children [WIC].

The administration requested a total appropriation of \$1.254 billion for the WIC Program for this fiscal year. Congress determined that this was inadequate to maintain current services through fiscal year 1985, and therefore, appropriated \$1.5 billion for the full year, mandating that \$1.254 billion be used during the first 10 months of the fiscal year and that allocations to the States be made at an annual rate of \$1.5 billion during this period. Disbursement of the balance of \$246 million for August and September was made subject to submission of an administration budget request. It was very clear that Congress expected the administration to submit a formal budget request for the balance.

Unfortunately, the administration did not act in conformity with Congress' expectation and intent. The Office of Management and Budget

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3951

[OMB] initially requested only \$169 million of the \$246 million appropriated for August and September. It refused to allocate funds to the States at the annual rate of \$1.5 billion and, consistent with this lower level of funding, some USDA officials advised States to start cutting caseloads.

As a result of OMB's action, by mid-May approximately 15 States were either cutting WIC caseloads or reducing the amount of food provided to WIC participants. If no action were taken to ensure the release of the appropriated funds being withheld, most States would have had to cut their programs no later than August. An estimated quarter million women, infants and children who are at nutrition risk would have been removed from the program.

The legislation before us would preclude these needless cutbacks. The Appropriations Committee has provided that the full \$1.5 billion appropriation be released. On June 5, after the bill was reported to the House, OMB finally announced that it was releasing the balance of the funds. We welcome that announcement, belated as it is, but also note that this bill directs OMB to release the remainder of the \$1.5 billion appropriation to the States by July 1, 1985.

Furthermore, we expect USDA to allocate these funds equitably. Currently, there is a problem with USDA's allocation of funds because USDA has computed the so-called WIC stability grants on the basis of an outdated and incorrect inflation forecast.

More particularly, there are two problems with the forecast. First, the forecast does not reflect substantial increases in infant formula prices that recently took effect. In predicting infant formula prices, the forecast assumed that formula prices would rise at the rate of inflation in the economy generally. However, this has proven to be incorrect. While the inflation rate for the economy generally is running at about 4 percent, infant formula prices will be approximately 8 percent higher in fiscal year 1985 than they were in fiscal year 1984.

The second error relates to increases in orange juice prices resulting from the severe freeze in Florida this winter. Fruit juice is a major component of the WIC package, and the predominant fruit juice used in the WIC Program is orange juice. However, in forecasting changes in the price of fruit juices, USDA has been tracking changes in the processed fruits and vegetables component of the Consumer Price Index. Since fruit juice in general, and orange juice in particular, constitute only a small part of this CPI series, USDA's approach has failed to fully take into account the increases in the cost of the fruit juices provided in the WIC Program. This problem can easily be rectified. There is another CPI component that is much more appropriate for tracking changes in WIC fruit juice costs—the

CPI for frozen fruit and fruit juice. This CPI series conforms much more closely to what is actually happening to WIC fruit and juice costs. I would also note that the CPI has a separate component for frozen orange juice, a component which could and should be used.

In short, because USDA mistakenly assumed that infant formula prices would rise at the same rate as inflation generally and that WIC fruit juices would rise at the same rate as all processed fruits and vegetables, its forecast for WIC food prices in fiscal year 1985 has been significantly short of the mark.

Accordingly, the committee report accompanying this bill directs that in distributing appropriated funds to the States:

The Department should take into consideration price increases which have occurred in infant formula and orange juice.

We expect the Department to revise its inflation forecast to reflect these and other actual price increases.

In conclusion, I would hope that OMB has finally learned that Congress is serious in its bipartisan support for this highly effective and cost-beneficial program. We have every right to expect the agency to follow the intent and directions of Congress and in all other ways to obey the law.

Mr. WHITTEN. Mr. Chairman, I have no further requests for time at this time.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today out of tremendous concern—concern for what is apparently a misplaced sense of priorities by this House as it moves to approve a supplemental appropriations bill boosting Federal spending up another \$13.5 billion.

I'm perplexed, Mr. Chairman, for we just returned after a week back home with the good people we represent, hopefully listening and learning just what it is they expect from us here in Washington.

And they are adamant about the need to reduce Federal spending. The people back home who pay these bills have one overriding priority: They want meaningful reduction in the Federal deficit and they want it now.

That is their priority. Why isn't it ours?

Here we are, pressing on with yet another herd-like stampede to spend the American taxpayer into oblivion.

As I traveled southwest Florida, the folks there say its time we in Washington got the message and put a stop to this wanton spending and reduce the national deficit.

Is this not the scene of a similar gathering just 2 weeks earlier as we labored and struggled to reach a consensus for \$56 billion in savings—either real or imagined—to bring down the deficit?

Despite appearance of concern for this problem, we will choose once again to ignore the priorities of the American taxpayer and instead cling to an endless spending spree mentality that has characterized Congress over these many years.

I ask each of my distinguished colleagues, how can we in honesty and good conscience, dish out money for 66 new water projects that will drain the Federal Treasury of billions of dollars?

Is this bill justified by spending \$10 million to deal with an outbreak of grasshoppers?

Or by \$300,000 to speed up research and development of shrimp aquaculture, \$500,000 to study cigarettes that will not burn furniture, or almost \$9 million in added spending for the House of Representatives?

Of course not.

These are not the priorities outside of bureaucratic Washington. Yet there they are, items of apparent priority to this body.

It's distressing that in order to obtain passage of this package, two items of serious concern have been or will be loaded into this red-ink agenda.

The long-delayed aid to freedom fighters for democracy in Nicaragua, and the valuable all-important economic support for our friends in the Middle East, Israel, and Egypt, have been wrapped into this otherwise offensive bill.

No less than 2 months ago, a majority in this House turned its back on assistance for the freedom fighters while a smiling, delighted Daniel Ortega was winging his way into the arms of Communist Moscow.

Everyone talks about promoting democracy in Central America. Well, let us now make that commitment and support the Michel amendment.

Israel, of tremendous strategic importance and, certainly one of our closest allies throughout the world, deserves this economic assistance of \$1.5 billion.

As that nation struggles to emerge from great economic distress, it continues to make the needed sacrifices. An austere budget that slashed all important defense spending by \$600 million and raised already high taxes by \$750 million is set. We must continue to help our ally to get its economy under control.

But I am troubled by the encasing of these items in the increased spending package now on the floor. The lessons of last November and the message from those whom we are privileged to represent are clear:

We, in the Congress, must stop this spending and reduce the national deficit.

If not for ourselves, then for the sake of our children and our grandchildren.

As someone who clearly understands this priority of the American people, I will oppose passage of this bill.

H 3952

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. SENSENBRENNER].

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment which will designate an additional \$15,000,000 for the operating expenses of the U.S. Coast Guard for 1985 and 1986.

In addition to funding two other programs, this amendment directs funding for the full operation of the 13 Coast Guard stations on the shores of the Great Lakes. These stations are currently scheduled for closure or consolidation under the Great Lakes consolidation plan. As a Representative of the Great Lakes State of Wisconsin, I am deeply concerned about the safety hazards created by this plan. I am particularly worried about the additional time it will take the Coast Guard to arrive on the scene of an emergency should the plan be implemented.

The Coast Guard station in Sheboygan, WI, clearly illustrates the safety problems created by proposed consolidation. According to the statistical analysis compiled by the U.S. Coast Guard here in Washington, DC, it is estimated the Sheboygan Coast Guard's average response time is 28 minutes. With the closing of this station, the average response time would increase to 84 minutes. Computer generated statistics aside, the Sheboygan Coast Guard personnel estimated their actual average response time to be between 10 and 15 minutes, not 28 minutes, once they are underway. While the Coast Guard finds an 84 minutes response time acceptable, I do not. Hypothermia could be a major problem. Very few human beings can survive 1 to 2 hours' submersion in the frigid waters of Lake Michigan whose average temperature during the boating season is 50 degrees.

I support this amendment because it addresses the "serious imbalance that exists between the Coast Guard's responsibilities and the resources available to the service" as cited in House Report 97-355. The Coast Guard operations funded by this amendment will not receive moneys from the General Treasury, but instead from the boat safety account of the aquatics resources fund. This fund, established by the Deficit Reduction Act of 1984, consists of money derived from that portion of Federal tax on gasoline which is attributable to the purchase of motorboat fuel.

This amendment is consistent with the intent of the Deficit Reduction Act which requires a portion of the taxes paid for the purchase of motorboat fuel to support operations of the Coast Guard. It will ensure the boat safety account funds, intended by Congress for Coast Guard operations, will not be diverted to other purposes.

Finally, this amendment apparently does not conflict with the administration's policies for the Coast Guard in future fiscal years. The administration has requested the inclusion of user fee language identical to this amendment as part of the Department of Transportation appropriations bill for fiscal year 1986. Because the Deficit Reduction Act of 1984 did not become law until last August, no similar language was included in the fiscal year 1985 budget.

The Coast Guard performs a variety of services vital to the safety security, economy and environmental health of our Nation. The passage of this amendment will allow the Coast Guard to continue these important services through 1986 while not increasing the overall budget.

Mr. WHITTEN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to call to the attention of our colleague who just addressed the House that I agree with him thoroughly, but may I say that we also have other problems. The budget requests of the administration this year did not ask for a dime to be put against reducing the deficit or the debt. The budget asks us to cut domestic programs by \$28.9 billion dollars, at the same time it asks for a \$36.2 billion increase in the carryover balances for the military.

□ 1250

As my colleagues know, we are all for a strong defense, but you cannot measure a strong defense by how much money you provide for military spending or how much you waste.

I mention this because we all better realize that behind a strong defense must be a strong economy, and there must be public support as well as capability and readiness. I think I can prove that I have worked as hard as anyone has trying to balance the budget and bring in appropriations below the President's recommendations. But we must also protect our country to which we have to look to for support. I say to the Members again that if we leave to our children and our children's children a worn-out country with the land eroded, the forests gone and all of that, they will never make it.

On the other hand, if we leave them a rich country, they can set up their own financial system. I have used this illustration many, many times, and it always registers. We had better balance the budget but by taking care of essential domestic programs. It was said some years ago about a certain country that it had the only balanced budget in the world; it did not owe a dollar nor, did it have one either.

So we are trying to take care of the essentials, that on which all else depends. The land from which we all have to get our living for the support of our society. May I say that our committee has tried to keep these things in balance, but unfortunately there

are some people who get money mixed up with wealth. We must take care of our finances if we can, but it is a must that we take care of our real wealth on which our money is based.

So we make no apologies for having reduced the President's recommendation. I would like to have reduced it more. It is a case of priorities. I say take care of the base, then look around to see what else we can do.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MACKEY].

Mr. MACKEY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the supplemental appropriations bill. Many of the Members may have seen Congressional Quarterly this past week which pointed out an unusual phenomenon that is going on in the House now: We are in our 6th year, since 1980, we have reduced the deficit every year, and then when we have finished reducing the deficit, we have gone home to find out that the deficit has gone up.

I call attention, particularly, to last year. Many of you will recall, certainly it is vivid in my mind, the \$28 billion downpayment that we were going to make on the deficit last year. That \$28 billion was going to reduce the projected deficit to \$181 billion.

P.S.: When the smoke cleared and it was all over with, the deficit was \$227 billion. That is after our \$28 billion reduction.

Now, what is going to happen this year? We are in our 6th year of this same cycle. That is a very interesting question and one that we should pay particular attention to. Two weeks ago, when we debated the budget bill, which is designed to cut the deficit \$56 billion, that was the same week that the numbers came out showing what the economy is actually doing. The whole deficit reduction effort is based on the assumption that the GNP is growing at 4 percent annually. It turns out it is not; it turns out it is growing at less than 1 percent annually.

What impact would that have? It turns out it may be that our beginning baseline deficit will be \$20 billion higher. So now instead of \$56 billion, maybe we have a \$36 billion reduction in the deficit. Here we are, 2 weeks later, before the Budget Committee conferees have had their first meeting, with a supplemental appropriations bill that in and of itself is going to increase the deficit \$6 billion.

There are a lot of red flags; there is a lot of handwriting on the wall. Mr. Volcker is looking at the same facts and circumstances that we are looking at. We are treating them as irrelevant; Mr. Volcker is treating them as very, very relevant indeed. In fact, interest rates have now been reduced to the lowest point in 5 years. Mr. Volcker apparently thinks we have a major problem, as he has adopted the most

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3953

expansionist monetary policy of the decade.

What would that problem be? The problem is that despite an extraordinarily stimulative fiscal policy, our economy is sagging. Congress is literally pumping on the accelerator, but the economy is running out of gas. Mr. Volcker's tight monetary policy, the traditional brake, has been released. But things are still sagging.

There is increasing apprehension that the unprecedented trade deficit may also be functioning as a brake on the economy—a much more effective brake than anyone had anticipated. In fact, the risk is that the trade deficit itself is going to put us into a recession, even in the face of openly stimulative fiscal and monetary policy.

I want to make it clear that I don't disagree with what Mr. Volcker is doing. There is a major risk, however. The risk is that monetary policy, by itself, will not prove adequate to counteract the drag of the trade deficit. The dramatic reduction of interest rates will provide immediate stimulation to the housing industry and those parts of the economy not impacted by international competition.

But it is not all clear that stimulative economic policy, by itself, will reduce the value of the dollar. Even if it does, it appears there may be a delay of as much as a year before the correction takes place. In the meantime, steel, textiles, heavy equipment, agriculture, and now finally computers and other high-tech industries are suffering serious damage.

If the desired reduction in the value of the dollar doesn't come about, or if there is an undue delay, we may find ourselves in serious trouble—much quicker than any of us have anticipated.

I suggest to the Members that it is time for us to quit doing business as usual in this House; it is time for us to get very serious about this, very serious indeed, before we find ourselves faced with a recession.

If you want to know what that scenario would look like, go back to CBO's report released last February and look at their low-growth scenario. Their low-growth scenario says maybe we could have a recession in 1987. Look at what would happen. The dynamics all would work the same in 1986. You would end up not with a deficit of \$200 billion; but with a deficit approaching \$400 billion. Worst of all, this would occur when we would have already used up all of the stimulative fiscal and monetary remedies at our disposal.

Nobody likes to cry wolf, and I am optimistic by nature. It is simply irresponsible, however, to continue playing games with supplemental appropriations bills intended to be used only for emergency situations which could not have been anticipated during the normal budget process.

At the very least, let us eliminate funding for the water projects. Clear-

ly, these are in no way an emergency. Let us honor the budget process, and go forward in this bill with the real emergencies to the extent they are there. Otherwise, the budget deficit, and the trade deficit resulting from it, may turn out to be a more serious emergency than those we are now debating.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. MACKEY. I yield to the gentleman.

Mr. KASICH. I appreciate the gentleman's comments on monetary policy, but I would hope rather than express concern about the Fed moving in a direction to provide available credit, that the gentleman would applaud and encourage the Fed to move us toward maximum, noninflationary growth. In fact, the Fed probably has been too restrictive.

Mr. MACKEY. I hope I did not say that I think the Fed is doing wrong; I said I think there is a great deal of risk in it. The Fed is using a tool which is stimulative when you are dealing with a traditional recession. What we do not know is the impact of reducing interest rates on the value of the dollar. If the dollar declines in value, and if the decline occurs quickly, the trade deficit can be expected to decline. If this does not happen, or if there is undue delay, we are in a very risky situation.

The risk could be avoided if Congress would move seriously to reduce spending. That is what I intended to say.

Mr. WHITTEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, may I say that I agree with the gentleman who just preceded me about the financial situation which we are in. I think we have to increase production. We now are buying shoes and textiles and steel and cars abroad on credit. Our balance-of-trade deficit runs more than \$100 billion—money for things we are buying overseas when we could be producing them ourselves.

If you bought steel from Japan you as an individual might make money because it is cheaper, but the Nation loses. If it is bought at home, you would have the steel and the money too.

I wish to point out here that while we agree about the dangers to our financial situation which needs to be corrected, we better take care of the land and develop it because that is what you have got to look to. We have domestic programs which are absolutely essential to keep public support. As I have said many, many times, and I repeat it again to my friends, if we leave to our children and our children's children a fertile land, with our harbors improved, with our rivers harnessed against flood and drought, with all of our resources intact, they will make it fine. They could set up a new financial system if necessary.

On the other hand, if we paid every nickel we owe and if we did it by letting our country go to pot, in future years, this Nation would be like China and India with little on which to build. We are not wasting money because money spent on our own country is not waste; it is merely common sense.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. BROWN].

□ 1300

Mr. BROWN of Colorado. I thank the gentleman for yielding this time to me.

Mr. Chairman, I will be offering several amendments to the bill that I think, meet the concerns of the Members. All of us are interested in reducing the deficit, in looking for areas where we can trim unneeded spending.

I believe there are several areas in this bill that merit your consideration. First of all, with regard to our own budget. One area is the increase in committee salaries, and Members; allowances. These budgets have been increased dramatically. They are well above last year. We are suggesting that the increase be halved. That change saves us \$3.2 million. It is an effort that we can make and still have more money in these categories than we had last year.

The second area where we can save money in this supplemental is the \$500 million that is put in as kind of a bonus to Egypt. Egypt has already received this year \$2.2 billion. The proposal is to add another \$500 million to that over and above what they already received. One of the factors, I think, that bears on this is the fact that they have not even been able to spend what we have given them already.

There is over \$2 billion left unspent from prior aid.

I hope when we consider these areas, we will ask ourselves, in a year in which we have talked about not even giving Federal employees a pay increase, why it is we should be throwing \$500 million more to Egypt.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to take a few minutes because I think we have touched on an issue absolutely critical to the strength and the growth of this economy. There have been a number of us on this side being joined by increasing numbers on the Democrat side of the aisle who have been concerned not just about fiscal policy, although everybody here is vitally concerned about fiscal policy, and we have all called for actions to reduce the deficit. Fortunately, we were able to get a budget resolution that moved in the direction of \$56 billion in cuts. I do not know whether we have some phony numbers in there or not, but at least we have both sides of the aisle talking

H 3954

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

about cutting deficits by more than \$50 billion.

But I hope at the same time we show our concern about fiscal policy, we also continue to examine and express our concern about monetary policy. Many of us on this side have said that the Federal Reserve over the last year has been overly restrictive and has not followed a policy of maximum noninflationary growth. We have called for reductions in discount rates, reductions in Federal funds rates and a monetary policy that will, in fact, accommodate maximum noninflationary growth that will provide jobs and bring the deficit down.

What we have seen over the last 9 months is a GNP growth of an average rate of less than 2 percent, which we think is very alarming. We have argued that if we could bring rates down, we could see the kind of economic growth we want to see. We would see some moderation of the problems in agriculture and we would see some moderation in the international trade deficit problem because of overly high rates that attract foreign investment. We would see some moderation of the strength of our dollar and the ability to export our products.

Of course, we have seen the Fed move in that direction, and when the Fed recently lowered its discount rate, we saw the stock market jump above 1300 to its highest level in history. I hope we are going to see improvements in the GNP growth rates, but it is important for this Congress not to just talk about fiscal policy but also to examine the importance of monetary policy.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

Mr. CONTE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding me this additional time.

Mr. Chairman, the bottom line here is, and I think the gentleman from North Dakota agrees with me on this point, if we ignore monetary policy and have the Fed keeping rates at such a high rate, or money conditions so tight that we do not have the kind of growth that we want, we will start eating away at budget cuts by not having GNP growth of at least the 2-percent level.

There are some people down at the Fed who view economic growth as a negative factor. I view economic growth as a positive factor. We ought to bring rates down, give people work, and it will help us across the board.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, let me just associate myself with the gentleman's remarks. I think he is dead right.

Monetary policy is a very important part of this country's economic game plan. We are talking about fiscal policies on the floor of this House, but monetary policy is critical and we need a monetary policy that is complementary to fiscal year.

We need a monetary policy that provides for economic growth in this country, and I just want to support the kind of things the gentleman has been talking about with respect to monetary policy.

Mr. KASICH. I appreciate the gentleman's comments and would just like to say I welcome the discussion about the role of monetary policy in this country.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman agree that before we can have an expansionary monetary policy, it is very important to get fiscal policy under control?

Mr. KASICH. I think that we need to have a monetary policy that encourages the maximum noninflationary growth, and that monetary policy has tremendous impact on our deficits.

It is certainly true that at the same time this Congress ought to be working to control fiscal policy and cutting that deficit, which is what my opening remarks were all about.

Mr. REGULA. Mr. Chairman, if the gentleman would yield further, he makes a point of noninflationary monetary policy, but it seems to me that has to be rooted in a very strong fiscal policy, and that is part of what we are talking about today, and that is holding down the deficit by having a responsible appropriations measure, and then, of course, we can think about expanding monetary policy.

Mr. KASICH. There is no question that we need to cut deficits. That is why I complimented both sides of the aisle for coming up with a package here that addresses the deficit by a reduction of over \$50 billion.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has again expired.

Mr. CONTE. Mr. Chairman, I yield 30 additional seconds to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, I know this: that in a noninflationary economy, when you have declining commodity prices, declining land values, declining gold and silver prices, and sluggish growth in too many sectors of the economy, and you have the vice chairman of the Fed who is now starting to dissent on a consistent basis, there is no reason for the Fed to tighten monetary policy, but should, rather, accommodate the growth.

No one in this Chamber wants to see a policy that leads to inflation, but

what we certainly want to see is a complementary fiscal and monetary policy.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I thank the gentleman for yielding this time to me.

Mr. Chairman, without belaboring the point, if we have an inappropriate monetary policy, it can seriously exacerbate the fiscal policy problems that Congress faces.

I agree that we do not want a monetary policy to be used by those of us in Congress who have strong feelings about the Fed to excuse us from any responsibility in fiscal policy. But I think the gentleman from Ohio was trying to say, and I agree with him, that we must use monetary policy in an appropriate way to complement our fiscal policy and to engender economic growth in this country.

Part of our fiscal policy problems has been that we are trying to ride uphill on a bicycle and somebody else has the brakes on. I think we can do much better in coordinating our monetary and our fiscal policies.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, I think what concerns many of us on this side is that we want the Fed to provide maximum noninflationary growth, and when we have an economy where you see farmers not being able to sell their commodities, their land values plummet, gold and silver prices down, and all the measures of inflation, yet the Fed moves to tighten, that does not make any sense. We want the Fed to provide for maximum noninflationary growth, which helps us on deficit reduction.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I support H.R. 2577, the supplemental appropriations bill for fiscal year 1985, and I want to call specific attention to the funds which would be provided to the Army Corps of Engineers and for a variety of water projects.

It is unfortunate that vital water projects, such as the dredging of Baltimore's main shipping channel, have been delayed because the administration and the Congress can not reach agreement on a cost-sharing formula.

Opponents of this bill have criticized the fact that some of the projects which would benefit are unauthorized. Mr. Chairman, I want to emphasize that Baltimore's channel dredging project has been authorized for 15 years. Although a very small portion of the funds that would be made available to the corps would go to Mary-

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3955

land, it is absolutely vital that this money be provided—because it is essential to the continued ability of the Port of Baltimore to compete and to the future economic health of the State of Maryland.

The State of Maryland demonstrated its fiscal responsibility and its willingness to compromise last week, when Maryland officials revealed a redesigned channel plan which will reduce the cost of Maryland's total dredging project by \$115 million or 33 percent of the original amount. This concession has now put Maryland in a position where it can negotiate with the Federal Government; it has reached a threshold—a point where it is now financially feasible to agree on a formula, and finally get our desperately needed channel project moving.

As a fiscal conservative, I do not believe Federal funds should be expended on projects which have not been authorized by Congress, but a vote on this supplemental bill does not and can not settle that issue.

I have worked long and hard, both with officials of OMB and with Maryland State officials, in an attempt to find some common ground—to reach agreement, and to get on with Baltimore's channel project. I do not intend to quit now. I intend to vote for this legislation.

It is also important to sound a note of warning here today: It is absolutely imperative that a national policy on America's deep-draft commercial ports be formulated and clearly enunciated.

Our Nation's great seaports play an absolutely essential role in our Nation's international trade, and port development—including the dredging of deeper channels—is necessary if we are to improve America's balance of trade.

In addition to economic considerations, deep channels and commercially viable ports are also essential to our national security.

I intend to continue my attempts to make the administration recognize the strategic and economic importance of our seaports, and I hope my colleagues here today will also recognize the importance of many of the projects in this legislation. I urge them to support it, as I do.

□ 1310

Mr. CONTE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this opportunity to commend the gentlewoman from Maryland [Mrs. BENTLEY]. She has doggedly fought for the Baltimore Harbor project since she came to the Congress. I know she has been most persistent in pursuing this project with me and with the other members of the committee. I just want to take this opportunity to commend her for her fine statement and for her work on behalf of the project for the dredging of Baltimore Harbor.

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman.

Mr. CONTE. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SKEEN].

(Mr. SKEEN asked and was given permission to revise and extend his remarks.)

Mr. SKEEN. Mr. Chairman, as one of the new members of the Appropriations Committee, I want to begin my discussion on this bill by stating that I am very much impressed with the diligence and the concern that this committee has demonstrated throughout the whole gamut of hearings on every facet of work on the particular questions that we are dealing with in this bill. They are numerous, they are extensive, and they are complicated. I want to thank the committee chairman, the gentleman from Mississippi [Mr. WHITTEN], who has done an outstanding job, in my view, in being open and fair with every member of the full committee, as well as his subcommittee.

I also want to thank the ranking member, the gentleman from Massachusetts [Mr. CONTE], for his diligence. He tries to attend just about every markup that we have. I also express my thanks to the gentleman from California [Mr. ROYBAL], on whose subcommittee I serve as ranking member.

I want to assure the members on this side of the aisle that if they think that the process that the Appropriations Committee goes through is capricious, frivolous, or without concern over deficits in the spending picture, they are very much mistaken. I, rather than to take the attitude that anytime we come out with an appropriation bill it has a lot of pork barrel or this, that, or the other I assure you there is a very great concern that the priorities are adhered to. There is a critical concern for the deficit, and there is not what I would consider to be a great deal of pork barrel. One man's "pork barrel" is somebody else's "priority."

I know we are debating philosophy and a lot of other facets of this question, but I do want to tell the Members this: that I think they have a good Appropriations Committee. The committee does a good job, and the members work very hard at it.

Mr. Chairman, I rise in strong support of the bill making supplemental appropriations for fiscal year 1985.

As a new member of the committee, it has been an honor and a privilege for me to work with the distinguished gentleman from Mississippi on the Agriculture Subcommittee.

It has also been a pleasure to serve as the ranking Republican member of the Treasury-Postal Service Subcommittee chaired by my good friend and colleague, Ed ROYBAL. In all, I believe both the Agriculture and Treasury chapters to be reasonable and well balanced, considering the commitments we have made to fund the programs under the jurisdiction of the respective subcommittees.

In title I of the bill, making supplemental appropriations for the Department of Agriculture, I was especially pleased to work with Chairman WHITTEN to ensure that emergency funding was provided to the animal and plant health inspection service for grasshopper control in 17 Western States. In New Mexico, the grasshopper problems have been particularly severe with an economically significant infestation of over 8 million acres.

The committee also recommended an appropriation of \$1.2 million for a grant to the Department of Agriculture for the purpose of assisting in relocating the Fort Stanton Experimental Station to another site making available land needed for a replacement airport to service the village of Ruidoso, NM.

For the past 20 years, Federal, State, and local officials have been seeking a site suitable for the development and operation of a replacement for the current airport. The indisputable need being that over 25 airplane crashes have claimed the lives of 17 people since the National Transportation Safety Board began keeping records in 1964. The Department of Transportation has listed the current airport at Ruidoso as one of the more dangerous airports in our Nation.

Turning now to chapter 11, making supplemental appropriations for the Department of the Treasury and related agencies,

The subcommittee has recommended that all of the administration's section 2901 recissions be accepted—for a total of about \$48 million.

Likewise, all—except for two supplemental pay requests were accepted as proposed. The administration proposed only half the funding required for the Customs Service and IRS pay costs; \$6 million was added to fully fund the Customs Service pay costs; and to prevent further disruption in tax processing; the IRS was fully funded with a \$33 million add-on.

The big ticket item in this chapter, not requested by the administration, is a \$168 million supplemental for the revenue foregone subsidy. This amount is needed to make up for the recent rate increase and unanticipated volume increase.

This chapter also provides funds to ATF, Customs, and the IRS for the establishment of a drug enforcement task force in Miami, as requested by the President.

Finally, I am grateful for the unanimous support received for an amendment I offered during consideration of the bill at full committee to provide the necessary support for the National Critical Materials Council. The establishment of this Council was mandated on July 31, 1984, when President Reagan signed into law Public Law 98-373, the National Critical Materials Act of 1984. As noted in the law, strategic and critical industrial minerals and materials are essential for our na-

tional security, economic well-being and industrial production. The principal aim of the Council will be to provide high-level and permanent input to the President on our Nation's strategic and critical mineral and material policies.

Overall, Mr. Charman, I believe chapter 11 is very reasonable given the circumstances. I urge the adoption of the chapter and the bill.

Mr. WHITTEN. Mr. Chairman, I have no further requests at this time.

Mr. CONTE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I thank the gentleman from Massachusetts.

Mr. Chairman, I rise in opposition to the bill and to align myself with the remarks of the gentleman from Florida [Mr. BUDDY MACKEY] who recently spoke against the bill.

Mr. Chairman, let me say that I was raised up on the edge of the Depression, and when we had a good year on the farm, my father and mother bought me and the children new overalls and new shoes, and when we had a bad year on the farm, she patched up the knees and we wore those old shoes. I want to tell the Members that we have had a bad year in this country this year, and we need to patch up our clothes knees and wear our old shoes.

We have tried to communicate to the public in a responsible fashion the dangers we see facing this country, and if something is not done soon about our deficit spending habits, we are going to be in much more serious trouble than we are today. We told the people that we are going to tighten up our belts, we have asked them across the board to tighten their belts and accept freezes, cuts, and adjustments and generally they have agreed to do that.

Mr. Chairman, this supplemental bill we are considering today is going to shake their confidence in this Congress if it passes and I would request that we vote it down in its entirety.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] has 3 minutes remaining, and the gentleman from Massachusetts [Mr. CONTE] has 1 minute remaining.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from Pennsylvania [Mr. MURPHY].

(Mr. MURPHY asked and was given permission to revise and extend his remarks.)

● Mr. MURPHY. Mr. Chairman, I rise in opposition to any attempt to delete funding for long-overdue water projects contained in H.R. 2577. The fiscal year 1985 supplemental appropriations bill provides necessary moneys to be used for water resource development. Some of my distinguished colleagues may object to this provision of the bill as too costly. Similarly, the Reagan administration believes that H.R. 2577 is unacceptable

in its present form, largely because of water projects.

Certainly all of us are concerned about the rising cost of the Federal deficit. However, I urge my distinguished colleagues on both sides of the aisle to keep certain facts in perspective.

First of all, I find it difficult to grasp why the present administration wishes to completely cut important national priorities such as the water projects contained in H.R. 2577, while at the same time, recommends greater and greater increases in foreign aid. Mr. Chairman, I cannot justify a policy of billions for foreigners but not 1 cent for American interests. Furthermore, it seems that the cry of deficit is conveniently used whenever this administration does not want a particular domestic program funded.

As far as these water resource projects are concerned, the benefits derived from them will more than exceed their costs, especially in the long run. These projects will provide us with a better national infrastructure. This improvement can only serve to make transportation easier, and therefore, cheaper. Hence, American goods will be priced more cheaply and be able to compete more effectively—especially in the international marketplace.

Furthermore, these projects will result in better flood control mechanisms and improvements in community water supplies. Similarly, channel and harbor facilities will be enhanced and recreational opportunities will be provided. These are concrete benefits that Americans will be able to enjoy.

Mr. Chairman, I would also remind my colleagues that it has been 6 years since the Congress has funded projects for the Army Corps of Engineers. This has been a lengthy freeze to say the least. We, as a Nation, cannot afford to freeze this vital funding; H.R. 2577, though far from perfect, is a reasonable means to provide it.

If I may, I would for a brief moment like to speak as a citizen of southwestern Pennsylvania. As my friends in this Chamber know, many times I have emphasized the fact that there is no Reagan recovery in this depressed region. Double digit unemployment persists, factories are closing, and closely knit communities are dying. By improving our waterborne transportation network, we will be providing a direct impetus to employment in the area. The short- and long-term economic benefits are clear.

In closing, I would ask that my colleagues not be misled by the deficit smokescreen being fueled by chapter IV's opponents. If anything, these water projects are long overdue. If America is to regain her competitive advantage, the better transportation infrastructure which will result from these water projects will help to achieve this worthwhile goal. ●

● Mr. DORGAN of North Dakota. Mr. Chairman, I am introducing today an

amendment to provide an additional \$4.27 million to the Temporary Emergency Food Assistance Program [TEFAP] a small but important program used by food banks, soup kitchens, and other community groups to feed the hungry. Twenty-nine States have either run out of money, or will soon run out of money, for this program. The short-falls are estimated to total \$4.27 million for the fourth quarter of this fiscal year, the amount of this appropriation.

The TEFAP Program sends surplus Government commodities, commodities currently stored in warehouses and caves around the country, to States who in turn send them to local community groups for distribution to the hungry—those 20 million Americans who are without food for at least 2 days per month, according to the Physician's Task Force on Hunger in America. The group is headed by Dr. Larry Brown of the Harvard School of Public Health.

Since the program's inception in 1983, TEFAP has distributed 163 million pounds of flour; 169 million pounds of nonfat dry milk and 1.2 billion pounds of processed cheese, as well as other commodities, to the States. These commodities are an important supplement for local feeding programs, which are often run on shoe-string budgets with volunteer staff.

It is clear to me that it is well worth continuing this program, both from a humanitarian standpoint and from a fiscal standpoint. Many of TEFAP's recipients are families. Studies of another supplemental feeding program, the WIC program, clearly show that \$1 spent on child nutrition programs saves at least \$3 in longer-term health costs. In addition, there is a savings of Commodity Credit Corporation storage costs that would otherwise be incurred.

The Food Research and Action Center, in calls last week to State commodity directors, compiled the statistics which show the \$4.27 million short-fall in this program for the fourth quarter. It is my intention that this appropriation be targeted to those States who have already run out of money for TEFAP, or who will soon run out of money for this program. About half the States have not been able to request any commodities for July, even at a reduced level, according to a May USDA report.

It is unfortunate that this problem didn't come to light sooner. One of the difficulties is that TEFAP is a reimbursement program, with vouchers flowing back to USDA through two levels, from the local community group to the State, and then from the State to USDA. This process means a delay in determining exactly how much of a funding shortfall exists.

That is why we are acting today. The timeframe for ordering these commodities and distributing them for the fourth quarter of this year is going

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3957

to be tight. In their calls to State commodity directors, the Food Research and Action Center did ask whether States would be able to handle distribution on shortened notice of availability, and the consensus was that if the commodities and additional funds were available, they would be able to do so. USDA administrators of this program, however, will have to offer as much cooperation and flexibility as possible in meeting this goal.

A number of groups support this amendment, including: Food Research and Action Center, Bread for the World, the National Farmers Union, Interfaith Action for Economic Justice, Children's Defense Fund, League of United Latin American Citizens, National Council of Senior Citizens, Rural Coalition, National Milk Producers Federation, United States Conference of Mayors, Food Research and Action Center, Lutheran Council/USA, Friends Committee on National Legislation, Church Woman United, National Council of Churches of Christ in the USA, Church of the Brethren-Washington Office, and United Church of Christ/Office for Church in Society.

These groups understand that while the amount we are debating is small, as the Federal budget goes, the good that is done by this program is large. I urge your support for this amendment.●

● Mr. GUNDERSON. Mr. Chairman, I would like to take this opportunity to make a few comments about that portion of H.R. 2577 which provides funding for the second lock at lock and dam 26 in Alton, IL, and for environmental and recreational projects on the Upper Mississippi River.

Now, I recognize that all of this funding may be stricken on a point of order since none of these activities have been authorized to date. Even so, I would simply like to take a few moments to commend the committee for their balanced approach to the use of the Upper Mississippi River System.

Mr. Chairman, I favor the second lock at lock and dam 26 but only if it is combined with the environmental and recreational programs that were included when the recommendation was brought before Congress in 1982 as part of the master plan for the Upper Mississippi River.

This master plan was authorized in 1978 by Public Law 95-502 to provide Congress with answers to questions on navigation capacity and environmental impacts of navigation operation and maintenance. The Upper Mississippi River Basin Commission was instructed to prepare the plan.

The master plan contains a set of 12 recommendations for maintaining and enhancing the Upper Mississippi River System as a multipurpose system having two congressional mandates: one as a nationally significant ecosystem and the other as a nationally significant commercial navigation system. The recommendations cover a

broad range of problems and issues from navigational improvement to habitat rehabilitation.

Separately, the second lock at Alton could be called a pet, pork barrel project. Sure, there are those that argue the lock is needed to reduce the already existing bottleneck of barges that are in the area. But we are already building a brand new, 1,200 foot lock system there that will be ready to function shortly.

The point is that the second lock at Alton was recommended as part of a master plan, developed by an independent commission with the consultation of various Federal and State agencies. I was pleased to learn that the committee looks favorably on the master plan by including language to provide, dollar for dollar, money to cover the other environmental and recreational recommendations over and above the second lock.

If the second lock at Alton, IL, is going to become a part of this supplemental appropriation bill, then the environmental and recreational projects, must be included to keep the intent of the master plan as developed by the Upper Mississippi River Basin Commission.

Again, I want to thank the members of the committee for recognizing the multipurpose use of this resource by providing for all of its uses: navigation, recreation, and the environment. I look forward to working with you toward this end.●

● Mr. LAFALCE. Mr. Chairman, I rise in support of H.R. 2577 and the amendment offered by Congressman WHITTEN. I will address my comments, however, to one provision which I believe is of particular importance to my constituents—the Ellicott Creek Flood Control Project.

Fifteen years ago the Ellicott Creek Flood Control Project was made part of an omnibus water bill and was signed into law by President Nixon. This action was taken in response to a devastating flood in the area. Unfortunately, since that time similar tragedies have struck twice. Seven years ago, in the aftermath of the now infamous "Blizzard of '77," severe flooding from the Ellicott Creek caused extensive property loss and damage. This past winter, melting snows from a major blizzard and incessant rains resulted in yet another flood, causing an estimated \$12 million in damage.

This most recent debacle has been declared a major disaster by the President. The Army Corps of Engineers estimates that damage from the Ellicott Creek flooding during a 5-day period in February is between \$4 and \$5 million. Officials said that the proposed flood control project would have helped significantly to reduce the damage.

In my opinion, this latest flooding was largely preventable. Efforts to secure funding for the flood control project have been underway for the past 15 years. This project has

bounced between the Congress and administrations like a political basketball. I won't detail the long history of this proposal, except to say that the time to act is now. Statistically, we can expect that a flood of this magnitude will occur in the next 10 to 15 years. The Corps of Engineers Chief in Buffalo said that the Corps could have construction work on Ellicott Creek underway within 90 days of the date they receive funding. The \$22.9 million flood control project calls for work over 4 construction seasons. If funding is approved, work would begin in the spring of 1986 and be completed in 1989, perhaps just in time for the next flood.

The President's 1986 budget request dated February 4, 1985, states "that the Ellicott Creek project is urgently needed to reduce flood damages in the lower Ellicott Creek Basin. The downstream portion of Ellicott Creek has been subjected to flooding for a number of years." As if to drive home the point, within 3 weeks of this report, nature unleashed a flood from Ellicott Creek which was unparalleled in the past 25 years. The need is no longer urgent. It is imperative that this project be constructed—Now!

Residents of the towns hit hardest during these floods, Tonawanda and Amherst, NY, know that it is only a matter of time before disaster strikes again. Without this flood control project, there is no hope of preventing the inevitable destruction of home and business properties caused by raging flood waters.

True, we can't control the will of nature. But we can control some of its destructive effects. What are sometimes more difficult and frustrating to control are the budgetary constraints which limit Federal spending for such worthy projects. I, perhaps more than many, understand the need to cut spending to reduce the Federal budget deficit. But in this situation, the adage, "an ounce of prevention is worth a pound of cure," has true meaning.

Investing dollars now in a project which will mitigate the inevitable flood damage, costing the Federal, State, and local governments millions of dollars to repair is not only smart, but is also economically prudent.

For these reasons, I strongly support the Whitten amendment, and urge each and every one of my colleagues to do likewise.●

● Mr. BEVILL. Mr. Chairman, the bill before the committee today would appropriate \$186,300,000 in new budget authority to the Corps of Engineers, \$20,850,000 to the Bureau of Reclamation and \$5 million to the Tennessee Valley Authority.

The bill includes funds for 62 new construction starts for the Corps, of Engineers and 4 new starts for the Bureau of Reclamation. Included in the 62 corps projects are 32 projects which have been previously author-

H 3958

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

ized and 30 projects which are included in H.R. 6 which has been ordered reported by the Public Works and Transportation Committee.

Our subcommittee has been working closely with the Interior and Insular Affairs Committee with regard to the Bureau of Reclamation projects and to my knowledge we are in complete agreement with respect to those projects.

As Members will recall, this House passed H.R. 3958, the water resources development appropriation bill, 1984, on October 6, 1983, which contained a total of 43 new projects for the corps and the Bureau of Reclamation. Unfortunately, that bill was never passed by the Senate.

Last year, under the leadership of Chairman ROE of the Water Resources Subcommittee of the Public Works and Transportation Committee, the House overwhelmingly passed H.R. 3678. However, the Senate never acted on the bill. This year, the Public Works and Transportation Committee has introduced H.R. 6, the new water project authorization bill, and I understand that bill is scheduled to be reported in mid-June. However, it is uncertain at this time when the bill will be considered on the floor. In addition, the bill may well be referred to other authorizing committees for their consideration.

Most of the projects funded in the bill before us today have already been approved by the House on two prior occasions.

As you know, our subcommittee has tried to wait for the legislative committee to complete authorizing action for several years, and as evidenced by House passage of the authorizing bill last year, Mr. ROE is making every effort to move the legislation. It appears, however, that if there are to be new construction projects funded, the House is going to have to move ahead with the bill before us today.

As Members will recall, the last bill authorizing new water projects for the Corps of Engineers was enacted in 1976. With a few minor exceptions, no new construction starts have been funded since 1980 due to differences between the executive and legislative branches regarding user fees, cost sharing and financing of water projects. In the report accompanying the regular fiscal year 1984 appropriation bill for energy and water development, the committee stated:

The committee is aware of the urgent need for some new construction projects and for the repair and rehabilitation of some existing projects. Testimony has been presented indicating the urgent needs in this area . . . The committee fully intends to recommend funding for new construction for both the Corps of Engineers and the Bureau of Reclamation for fiscal year 1984.

The projects contained in chapter IV are in response to the commitment made by the committee.

I do not believe there are many authorizing and appropriations subcommittees which work closer together

than do Chairman's ROE's subcommittee and my Subcommittee on Energy and Water Development.

The introduction of H.R. 6 through the Public Works and Transportation Committee and the probability that the bill will be presented to the full House of Representatives is most encouraging.

The projects funded in the bill include a number of projects proposed by the administration in fiscal years 1983, 1984, 1985, 1986, and other authorized projects which are worthy of construction, and urgently needed projects which are awaiting authorization. The committee is confident that every effort will be made by the 99th Congress to enact legislation authorizing new projects and, where appropriate, make adjustments in cost sharing. Use of funds provided by this bill for construction of projects not yet authorized is, therefore, linked to such authorization. Moreover, adjustments in cost sharing enacted during this Congress would apply to the projects funded herein to include those presently authorized.

With regard to cost sharing, the committee recognizes the responsibility of the authorization committees to establish cost-sharing policies, but is concerned that the application of rigid cost-sharing requirements would create a situation of have versus have-nots. Many States and localities do not have the capability to share costs to the same extent, if at all, that others may have. This is particularly undesirable in the case of flood control projects where human lives and the economic viability of communities are involved. Because of this, the committee encourages a flexible approach to cost sharing. I believe it is important to note that since the exact formula for cost sharing is still under consideration, it is not possible to predict the Federal share of the costs of the projects in the bill at this time.

The committee received many requests from Members to fund projects already authorized as well as those in the pending authorization bill. Unfortunately, the number of major water resource development projects that can be funded in any particular fiscal year is necessarily limited. Even with incremental funding of only that portion of work that can be accomplished within a fiscal year, the large number of necessary projects and the high cost of many of them limit the total number that can be considered for funding at any one time.

The projects recommended for funded in this bill represent the highest priority projects in each major category of water resource development. The committee will consider funding additional projects in subsequent appropriation bills.

The recommended funding for the Tennessee Valley Authority provides \$5 million for an essential water demonstration project affecting the health of Bristol, TN, residents.

The bill contains language that exempts the construction of an authorized Oregon-California power line from the Clayton Act and the Federal Power Act.

The report accompanying the bill provides a good explanation of the recommendations in the bill as well as a brief description of the projects funded in the bill.

This is a good bill and report and I recommend its adoption by the committee.●

● Mrs. LONG. Mr. Chairman, I rise in strong support of H.R. 2577 containing a \$6 million appropriation for a family violence program enacted last year under the Child Abuse Amendments of 1984.

It is estimated that between 2 and 6 million women are battered by their husbands annually. Only half of these women seek professional help. Unfortunately, less than half of the women and children that do seek refuge actually receive aid. Lack of funding for the overcrowded shelters shatters their hopes for the professional care they desperately require and deserve. These women are victimized not only by their husbands' brutality toward them, but also by their inaccessibility to professional services that focus on restoring homelife.

In my own district, the Family Counseling Agency has been established in Alexandria, LA to provide immediate care to battered wives. This agency provides the following vital services to wives and their families:

Long-term and overnight shelter to abused women and their children; crisis counseling on a group or individual basis; referrals for legal aid, job service, welfare, and so forth.

Twenty-four-hour crisis hotline supplying emotional support or urgent placement arrangements for abused women and their children.

Since its establishment in 1984, this agency has served close to 400 men, women, and children. The number of victims served this year alone has already surpassed the total number of individuals seeking help last year.

Services such as the Family Counseling Agency in my district have the potential to provide immediate care. This potential cannot be realized without money for expanding shelters, increasing professional staffs, supporting client needs, and informing the public about its extensive programs.

Those outstanding services are crucial to the treatment of women who have been hurt and humiliated by those closest to them. The money can be utilized to provide family violence programs with more professional staff members, larger shelters, and a greater information network to spread the word to women that professional, emotional, and financial support are available. With the assurance that family violence programs are fully funded, more women will feel secure in seeking help.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3959

A recent article in Time magazine entitled "Wife Beating: The Silent Crime" (Sept. 5, 1983) brought the problem to national attention. This article mentioned the following startling facts:

Nearly 6 million wives will be abused by their husbands in any one year.

Some 2,000 to 4,000 women are beaten to death annually.

The Nation's police spend one-third of their time responding to domestic violence calls.

Battery is the single major cause of injury to women, more significant than auto accidents, rapes or muggings.

I recommend this enlightening article to my colleagues' attention. The grim case histories it describes are guaranteed to move you in support of family violence program funding.

WIFE BEATING: THE SILENT CRIME

There is nothing new about wife beating. It has always happened, everywhere. Often it is accepted as a natural if regrettable part of woman's status as her husband's property. Throughout history unlucky women have been subjected to the whims and brutality of their husbands. The colloquial phrase "rule of thumb" is supposedly derived from the ancient right of a husband to discipline his wife with a rod "no thicker than his thumb." In the U.S. the statistics reflect no unprecedented epidemic of domestic violence, but only a quite recent effort to collect figures—often inexact, but startling even when allowances are made for error—on what has always existed:

Nearly 6 million wives will be abused * by their husbands in any one year.

Some 2,000 to 4,000 women are beaten to death annually.

The nation's police spend one-third of their time responding to domestic-violence calls.

Battery is the single major cause of injury to women, more significant than auto accidents, rapes or muggings.

What is new is that in the U.S. wife beating is no longer widely accepted as an inevitable and private matter. The change in attitude, while far from complete, has come about in the past ten to 15 years as part of the profound transformation of ideas about the roles and rights of women in society. In cities and states scattered across the country, legal structures and social service networks, prompted by grass-roots women's organizations, have begun to redefine spouse abuse as a violation of the victim's civil rights and a criminal act of assault subject to the same punishments as other acts of violence.

Marital abuse has been called "the silent crime." Bringing it out into the open by talking about it is the first step toward a solution. But for most people, including even the victim and the abuser, the almost reflex-like response to the subject is to deny that such abuse exists. In fact, however, a 1979 FBI report stated that 40% of women killed were murdered by their partners, and 10% of men by theirs. (Many of the women acted in self-defense.)

When it comes to squabbling around the house, women give as good as they get. But a domestic spat is not battering, which involves a pattern of escalating abuse in a situation from which the victim feels she cannot escape. Because they are usually physically stronger than their wives, men are less likely to be battered; for reasons of pride, they are also far less likely to report

it. Sociologist Murray Straus, an expert on family violence, nonetheless estimates that each year 282,000 men are beaten by their wives.

Personal testimony indicates that any female, regardless of class or race, can become a battered wife. In Stamford, Conn., a woman married to a Fortune 500 executive locked herself into their Lincoln Continental every Saturday night to escape her husband's kicks and punches. She did not leave him because she mistakenly feared he could sue for divorce on ground of desertion and she, otherwise penniless, would get no alimony.

Barbara, 30, a middle-class housewife from South Hadley, Mass., was first beaten by her husband when she was pregnant. Last summer Barbara's husband hurled a dinner plate across the kitchen at her. His aim was off. The plate shattered against the wall and a piece of it struck their four-year-old daughter in the face, blinding the child in one eye.

In Miami, Diane, 27, a receptionist, said she married "a real nice guy," a Dr. Jekyll who turned into Mr. Hyde a week after the wedding. "Being married to this man was like being a prisoner of war. I was not allowed to visit my family. I couldn't go out on my own. He wouldn't even let me cry. If I did, it started an 'episode.'"

In a Duluth shelter for battered women, Lola, who married 19 years ago at age 18, said her husband was losing control more frequently: "He gets angry because he's coming home with a bag full of groceries and I didn't open the door fast enough. Because he didn't like the way I washed the clothes. Because the supper's not ready. Because supper's ready too soon."

In Atlanta, Rita, 30, told TIME's Roger Witherspoon that her husband William, 40, a hospital worker, asked her to come into the bedroom during a birthday party she was giving for neighborhood children. "He slapped me blind. He pulled the shotgun from the wall and dared me to move. I cried and asked him why he was bothering me. He just tore my clothes off. He said I was a bitch and used other ugly words. I asked him not to do that because the children and their parents were here. But he just left the room and told everyone to leave. Then he told me to get back in bed and that we were going to make love. I said no. But he had the .38 and a knife and hit me. I got in and we did it. My nose was still bleeding."

An extraordinary number of abuse cases involve guns or knives. In Los Angeles, Harry Whalen, 48, a curtain installer, is serving a 15-year-to-life sentence for killing his fourth wife, Betty, 35. She was hiding in a Long Beach, Calif., women's shelter, seeking a divorce. Whalen caught her in her lawyer's office parking lot and begged to hold the couple's small child. He then ordered Betty into his van and drove off. Three months later her body was found in a shallow grave in the desert; she had been shot in the face. One of Whalen's former wives reported later that he had threatened to kill her too.

Many men, and even many women, believe that abused wives have a masochistic streak that keeps them in the home long after the beatings have begun. But Michigan Psychologist Camella Serum dismisses such assumptions as folklore "Masochism has no relevance in this situation. It is just another way to blame the victim. The reason she stays has nothing to do with loving the pain or seeking the violence."

Battering follows a cycle: first a buildup of tension, then a violent explosion, and finally a period of remorse and apologies that rekindle hope that the batterer will change and remain loving. Karla Digirolomo, 26, ex-

ecutive director of the New York State Governor's Commission on Domestic Violence, describes her experience in her first marriage as typical. When she was pregnant her husband broke her nose. She told everyone she had fallen down. The obstetrician never questioned the bruises on her body. "I felt worthless, totally to blame, responsible for my husband's actions. I kept thinking, 'If I had done something different, things would improve.' You gradually change. You think, 'If I can stop doing x, y or z, then nothing will happen.' You assume all responsibility."

If the woman does not leave or seek help after the first episode it can be taken as a sign of acquiescence, which usually leads to more violence. But it is extremely difficult to pack up and go, even if a woman can afford to. Explains Jane Tolliver, a counselor in the Atlanta Y.W.C.A.'s battered-women's program: "They've been told by their ministers and their families that a good woman can change a man." These women represent society's traditional values. Says Tolliver: "They are nurturing. They want successful marriages. And it is precisely those things that trap them."

Often a battered woman has grown up with violence and accepts it as a pitiful form of caring, or at least as something inevitable in a relationship. She may feel desperately that the world is a dangerous place and that she needs a protector, even a man who beats her. Ashamed, terrified that any resistance will provoke greater violence, isolated from her family and friends, often without any means of support other than the husband, many a battered woman sinks into despairing submission, from which the only escape is eventual widowhood, her own murder (or, perhaps in a flash of retaliatory rage, her husband's), or suicide. According to a four-year study of a major metropolitan hospital completed this year, 25% of all women's suicide attempts are preceded by a prior history of battering.

Domestic violence is lethal, and not only to women. A 1978 article in *Police Magazine* reports that 40% of all police injuries, and 20% of all police deaths on duty, are the result of becoming caught in a family dispute. Risks aside, answering domestic-disturbance calls is the bane of policemen everywhere. "We end it for an hour or two and do a lot of paper work," says Officer Lawrence Santos of Harlem's 25th Precinct. To a frightened woman, though, even a reluctant policeman offers more hope than an insensitive one. Sergeant Louis Mancuso of Manhattan's Ninth Precinct, for example, does not think arrests are always the best solution. He believes there are often extenuating circumstances, observing after hearing about one brutal assault. "Maybe she wasn't giving him what he needed sexually." Detroit Executive Deputy Police Chief James Bannon explains such lingering attitudes. "Police officers are as violent in domestic relations as others. Probably more so."

Doctors, social workers and psychiatrists have frequently been even less helpful than the police. Evan Stark, research associate at Yale's Institution for Social and Policy Studies, and his wife, Dr. Anne Flitcraft, in a study of family violence, concluded that the medical profession and social agencies "are an essential part of the battered syndrome." Says Stark: "They treat the women like they are crazy." Doctors fail to note signs of abuse, label battered women psychotic or hypochondriacal, prescribe tranquilizers and tell them to go home, and "make a woman doubt her own sanity" by sending her to a family therapist.

The first shelter for battered women opened in a private home in Pasadena, Calif., in 1964. There are now approximately

H 3960

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

800 in the country. All of them have waiting lists, and the demand is staggering. The Y.W.C.A. alone has 210 shelter or service programs such as hot lines, safe-home networks and counseling programs in 30 states. From 1978 through 1980, the Y.W.C.A. sheltered 46,100 women and children and gave counseling to 50,000 women. But they estimate they cannot accommodate 80% of those who need assistance. In a new and ironic effort to provide more services, at least 14 states earmark funds for domestic-violence programs by imposing a surcharge on marriage licenses.

Mother is a good person. Mother is a happy person. Mother is a nice person. Mother is very, very pretty. Those kind words were painted on a poster by a child whose mother had found refuge at Crescent House, the first battered-women's shelter in New Orleans. Crescent House serves more than 500 clients a year, housing 25 women and children at a time. Like all such shelters, it is initially a place for battered women to hide. It also offers help in deciphering the demoralizing puzzle of welfare offices and court procedures, and in aiding victims to imagine an alternative future. Almost as important, a shelter is a place where a woman will be believed and listened to. In 13% of wife-abuse cases, children have also been assaulted, and shelters provide a refuge for them, too. In keeping with their efforts to break the cycle of violence, almost all shelters have firm rules against spanking.

What kind of man would hit a woman? Not only hit her, but blacken her eyes, break the bones in her face, beat her breasts, kick her abdomen and menace her with a gun? There is a very good chance that he was beaten as a child. Perhaps because of his early trauma, he is often emotionally stunted. Michael Groetsch, director of probation for the New Orleans Municipal Court, sees scores of accused wife abusers every week. "There is very interesting analogy between a male batterer and a two- or three-year-old child," Groetsch says. "His tantrums are very similar to those of a two-year-old. Like a narcissistic child, the batterer bites when he's throwing a tantrum. I have seen many women come in with teeth marks all over their arms and legs."

The wife beater probably drinks, although, as Groetsch points out, "he drinks to beat, he doesn't beat because he drinks." Unemployment does not cause battering, but hard times make it worse. In Youngstown, Ohio, for example, where the unemployment rate in 1982 reached 21%, domestic violence increased a staggering 404% over 1979.

Craig Norberg, a founder of the men's self-help group RAVEN (Rape and Violence End Now) in St. Louis, says the typical spouse beater is unable to cope with the traditional notion of masculinity. "Not maleness, but the traditional male role, which requires men to be stoic. It requires men to not need intimacy, to be in control, to be the 'big wheel,' and when there is a problem to 'give 'em hell.' The difficulty is that nine out of ten men fail at that list, at least in their own judgment."

Indeed, the batterer is often afflicted with mind-bending insecurity. The man's wife, says Psychologist Walker, is "the emotional glue that holds him together." As a consequence, he is desperately afraid of losing her. "All the time I knew she was going to leave me," says William, the Atlanta birthday-party batterer. "She liked to play the song Slip Away, and I knew she was going to do it." Explains Dick Bathrick, a clinical psychologist who with a colleague runs the only program for wife abusers in Georgia: "The husband is trying to make her be

closer to him by controlling her physically—and he doesn't realize that he's driving her away."

The last time William saw his wife he beat her until he tired. "When it was over," he says, "I picked her up off the floor and kissed her and told her I was sorry. I wanted to feel the pain that she felt. So I kissed her. Her nose was running and she was crying, and I loved her very much."

Such displays of tenderness are not unusual. "He may send her roses if she has left," says Michigan Psychologist Serum, "but it's not out of love. It's out of a desire to regain control." Indeed, batterers can be very calculating, both in how they deal with their wives and with the authorities once they are caught. They are frequently charming to a fault. Says Therapist Jeffery Perez, who runs a program for batterers in New Orleans: "These guys are real slick and real glib. They can play therapy off against the court system and not have to be responsible."

The first self-help group for abusive men was formed in Boston in 1977. There are now about 50. Very few men go to such centers on their own. Either their partner has left or is threatening to, or they are attending under court order. By and large, they do not believe they have done anything wrong, sometimes insisting that they are not batterers at all. Those who own up to being violent frequently believe their wives are at fault. Nick, 33, an unemployed New Yorker who chose a six-week counseling program over 90 days in jail, is franker than most. "Most of the time I thought I was right. It [the violence] was called for." If they stay in a treatment program, and very few do without a court order, some men reach a kind of self-awareness that results in a more pacific nature. In a spouse-abuse workshop in Rockland County, N.Y., a man named George, 50, reported at the end of six weeks, "If a husband takes control of himself, a wife cannot make him hit her." As awareness goes, this particular insight might make Freud gape, but George's wife Susan reports no violence for the past 18 months.

Historically, batterers have fallen between the cracks, being neither nuts nor criminals, at least by the standards of the day. "A man beats up his wife because he can," says University of Rhode Island Sociologist Richard Gelles, one of the pioneers in the study of family violence. Indeed, a man usually does not beat up his boss or male acquaintances. The consequences—loss of job, a charge of criminal assault, an old-fashioned black eye—are simply too great. Now the consequences are rising for violence against one's wife. Shelters for abused women have created a safety net for wives who previously would have been afraid to take their husbands to court. Newspapers, judges, hospitals, neighbors, even a growing number of once exasperated police officers, are beginning to understand the dimensions of the problem. More important, states and municipalities are putting laws on the books that give women a realistic chance of getting protection and redress through the courts. As Franci Livingston, an attorney with the Center for Women Policy Studies in Washington, points out, "Ten years ago there were no real, specific laws providing remedies for women. If a woman wanted protection using the courts, she would have to get it as part of a domestic-relations proceeding—meaning separation or divorce."

At that time, police could not make an arrest without actually witnessing violence or seeing compelling physical evidence of abuse. Nowadays such requirements are being eased. In Michigan, for example, a law allowing police to arrest batterers for misdemeanor assaults on grounds of "probable

cause" was passed in 1978 and became a model for other states. In Massachusetts, women can walk into any court and receive an immediate emergency restraining order against an abusive husband.

The Los Angeles city attorney's family-violence program, which began four years ago, was one of the first to recognize that domestic violence is a crime, not a private matter, and should be prosecuted as such. The decision to prosecute is taken out of the victim's hands. Explains Deputy City Attorney Susan Kaplan: "Out of 5,000 domestic-violence cases that cross our desk each year, half of the victims want to drop the charges. Now the woman is told misdemeanor charges will be pressed anyway. Will she testify? It never even comes to that. Once the husband realizes, 'Hey, this is a crime, this is prosecutable,' he pleads guilty right there."

According to the National Center on Women and Family Law, one-third of the women who come to shelters have also been sexually assaulted by their mates. Only four years ago, such violations were so accepted that California State Senator Bob Wilson protested a California law allowing prosecution for marital rape by saying, "If you can't rape your wife, who can you rape?" Today, 17 states have abolished laws that excluded husbands from rape prosecution.

The tightening of laws against wife beating has resulted in higher conviction rates. In Duluth, for example, 82% of those arrested for spouse abuse are convicted, up from 20% in 1979. Still, only a fraction of abusive husbands are reported to the authorities, much less arrested and convicted.

For the glib, angry men who pummel their wives, a brush with the law sometimes has a sobering effect. A recent Police Foundation working paper concluded: "It is clear that the recidivism measure is lowest when police make arrests." New York's Karla Digiolomo agrees: "In general, arrests work because they give the message to the man that such behavior is inappropriate. They also give the message to the woman that somebody will help her."

The crackdown represents an important shift in how the nation views wife abuse. No longer does a woman have to go it alone in a legal system that is stacked against her; no longer does she have to deny the suggestion, either stated or implied, that she got what she deserved. Now the courts and the community are swinging to her side—and the bullying husband is beginning to pay the price.●

● Mr. LUNDINE. Mr. Chairman, I want to bring to the attention of my colleagues an important provision of the supplemental appropriations bill before the House today. H.R. 2577 contains almost \$237 million in U.S. arrearage payments to the multilateral development banks. These arrearages, the result of chronic funding shortfalls in previous continuing resolutions, are necessary to bring the United States up to date with regard to its obligations to these institutions.

U.S. payments to these banks are predicated on already negotiated agreements among the member contributing countries. The list of contributing members reads like a who's who list of our allies and trading partners. The Treasury Department negotiates the U.S. contribution after consultations with the Congress and the relevant U.S. Government agencies concerned with our participation in the

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3961

MDB's. When agreement on a replenishment of resources is reached the administration submits the proposed U.S. share to Congress for approval. Congress then has an opportunity to approve or disapprove the agreement submitted by the President. Once such legislation is authorized by the Congress and signed by the President the United States has committed to payment of its share of the replenishment.

Previous failure to approve authorized contributions to these institutions has consistently raised serious credibility problems for the United States—credibility problems which affect our relationship with our allies and the developing countries. Much as U.S. exporters must be perceived as reliable suppliers of the goods and services they sell in order to successfully compete on world markets, so too must the United States maintain its reputation as a responsible member of the World Bank and other regional development banks if we are to remain influential in these institutions. And I can assure my colleagues that U.S. influence and participation is critical if these institutions are to continue serving our interests.

My subcommittee will be holding an extensive series of oversight hearings in the coming months to help determine what the future role of these institutions should be in most effectively fostering economic development in Africa, Asia, and Latin America. We will not be afraid to criticize these institutions and the development policies they have pursued when such criticism is warranted. However, our exercise will be a futile one if the United States does not live up to its previous commitments to these banks and their clients the developing countries. We simply will not have the platform from which to promote the changes which we might find desirable to support. Overall the World Bank, Inter-American Development Bank, Asian Development Bank, and African Development Bank have served U.S. economic, humanitarian and strategic interests well in the past. Improvements can be made to ensure that they continue to do so in the future.

I want to take this opportunity to commend the work of the chairman of the Foreign Operations Subcommittee, Mr. OBEY, for successfully forging bipartisan support for this funding request in the Congress. I am confident that our efforts, along with a strong level of commitment from the President and his administration, will enable the United States to maintain a constructive role in helping the MDB's fulfill their responsibility as engines for economic progress in the developing world. I, therefore, urge the House to approve these needed funds.●

● Ms. MIKULSKI. Mr. Chairman, I rise in support of H.R. 2755, the supplemental appropriations bill for fiscal 1985.

This measure would fund a host of key programs for the remainder of the fiscal year. In several instances, the bill limits the activities of Federal agencies until Congress has a chance to set the terms under which these activities should be carried.

As a member of the Merchant Marine and Fisheries Committee, and one who represents the great Port of Baltimore, I am particularly interested in two provisions of this bill which relate to the Nation's maritime industry.

CDS PAYBACK

The first of these is in chapter 2 which prohibits the Department of Transportation from enforcing a controversial rule dealing with CDS payback.

This rule would permit vessel owners to repay their construction differential subsidies in return for the right to enter the domestic trade until Congress specifies the standards to govern any repayment program.

This rule would fundamentally alter a principle of the Merchant Marine Act of 1970 which permitted bulk carriers to receive a Federal subsidy in order to build vessels in American shipyards.

In exchange for accepting construction subsidies, these vessel owners were prohibited from operating in the domestic trade.

While these operators were building ships with subsidy for use in the foreign trade, our Nation's domestic operators were investing heavily in building new ships and retrofitting older ones for our domestic trade, particularly the Alaskan oil market.

The new rule fundamentally changes the rules in the middle of the game, despite the fact that domestic operators built their ships without subsidy and had considerably larger amounts of investment capital at risk than did those who built vessels with subsidy.

At a House hearing last month, shipbuilders, maritime unions, and domestic ship owners spoke about the dire economic and national security consequences which would occur if this rule takes effect.

The provision in H.R. 2577, which was approved by the Appropriations Committee by a more than 2-to-1 margin, simply bars the enforcement of the rule until Congress specifies the standards which should govern the repayment program.

Like similar restrictions on earlier appropriations bills, the amendment in the supplemental simply preserves the status quo so that Congress can address the economic and security issues raised by CDS repayment.

However, nothing in this legislation precludes ongoing judicial review of the legality of the rule or the rulemaking process that was followed.

The legislation stops the rule from going into effect pending further action by the Congress.

We are trying to provide the respective congressional authorizing committees with time to reach a settlement on this issue after almost 2½ years of discussion and debate.

I look forward to working with the leadership of my own committee, particularly our chairman and vice chairman, Representatives JONES and BIACCI, on a permanent formula for CDS repayment.

BALTIMORE HARBOR DREDGING

The second provision in this bill I want to voice by support for is chapter 4, the section which provides start-up funds for numerous port development projects, including the Baltimore Harbor dredging project.

Dredging Baltimore to a depth of 50 feet has been authorized since 1970, and it is crucial that we proceed with this project as expeditiously as possible.

The Port of Baltimore is the single biggest economic resource in the State of Maryland.

Maritime activity connected with the port employs nearly 80,000 people directly and is worth over \$1.2 billion annually in revenues for organizations and individuals.

The Baltimore Harbor project is the oldest, authorized port development project in the Nation which has never received a Federal appropriation.

The fact that we have not begun to deepen the harbor channel has had a significant, harmful effect on the port. Increasingly large container vessels need deeper channels to export dry bulk commodities, particularly coal.

Despite Baltimore's premier status on the east coast as a port loading center, the absence of a 50-foot channel has reduced its competitive position. In the process, our potential for new jobs and new port-related industries has been slowed.

It is critical that we get on with the business of developing our Nation's port and waterway infrastructure. That is why I support chapter 4 of this supplemental.

I commend the members of the Appropriations Committee for these projects, including full committee Chairman WHITTEN, subcommittee chairmen, NEAL SMITH and TOM BEVILL, and my own colleague from Maryland on the committee, STENY HOYER.

I thank them for their work and urge my colleagues to support prompt passage of this supplemental appropriations bill. Thank you.●

● Mr. SHUMWAY. Mr. Chairman, I rise in opposition to this year's supplemental appropriations bill, H.R. 2577. During the time I have served in this body I have witnessed what has come to be an annual sham and a flagrant disregard for budgetary procedures. The legitimate and useful purpose of supplemental appropriations, to add urgent and necessary funds to regular annual appropriations, has been seriously distorted and abused over the

H 3962

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

years. I, like many of my fellow Members, find myself forced into an unfortunate catch-22 situation. As a concerned legislator, I would like to support legislation to fund unforeseen yet necessary expenditures, in order to avoid the crisis of funding cutoffs and to help maintain the proper functions of Government. Yet, at the same time, I am most opposed to many of the appropriations in this bill which would fund discretionary pet projects and which have not been authorized, nor requested by the President. Time and time again, Congress has given only lip service to the Congressional Budget Act of 1974, by failing to meet deadlines, and by waiving its own rules governing the authorization and appropriations process which requires that an authorization precede an appropriation.

This legislation is a textbook example of a situation that cries out for the use of a Presidential line item veto. The bill contains millions of dollars worth of unauthorized appropriations. And once again there are a number of pork barrel appropriations riding piggyback on the legitimate budgetary requests. Our Government is one of checks and balances. The line item veto would provide a further check by the executive branch to curtail the unrestrained spending of Congress. A line-item veto would give to the President the authority originally envisioned by the authors of the Constitution, a power that has been eroded by Congress to the point where it has little persuasive influence on Congress' appetite to spend. Let us not continue to send to the President bills such as the one we are debating today, which contain much of what is good and some of what is wasteful, and then tie the President's hands, forcing him to accept all or nothing. Let us provide a means of escape from the catch-22 trap by means of which we are held hostage by the tyranny of special interests, pet projects, and uncaring big spenders. It is long past time that we follow the lead of 43 State legislatures and establish a line-item veto.

This bill before us today contains 64 new water resource development projects, only half of which have been authorized. Many of these are designed to serve primarily local interests and, therefore, must be categorized as pork barrel water projects. The Office of Management and Budget has projected that the total cost of the additional water projects from start to finish will be about \$4.8 billion. During last Congress, similar pork barrel water projects were removed from the continuing resolution in conference because of a veto threat by the President. Yet, the procedure was not changed and the same process is being repeated. Pork barrel proponents have returned to the trough to lap up some more Government largess.

I am not against the Federal support of water projects; to the contrary, I

have voted for many such projects and indeed am seeking reauthorization of one in my own district—the Auburn Folsom South project. But I am not seeking an appropriation without proper authorization or local cost-sharing provisions which help to relieve the Federal Government from bearing the entire burden.

Overall, I support many provisions of this bill as they represent legitimate needs necessitating Federal funding. But at a time when deficits are projected to exceed \$200 billion and Congress is struggling toward deficit reduction, I believe all Federal spending must come under close scrutiny. The old routine of adding big spending projects into appropriations bills must be put to an end. We must not allow the lure of funneling money into our home districts or appeasing special interests to deter us from our goal of reducing Federal spending and balancing the budget.●

● Mr. BATES. Mr. Chairman, included in chapter VI of this bill is a provision dealing with the Tijuana sewage problem that has affected the San Diego community.

Last year, Congress appropriated \$5 million for design and construction of a treatment facility to address the problem of sewage from Tijuana polluting the Tijuana River basin and San Diego beaches. For various reasons that money was never obligated. Since that time, the Government of Mexico has expressed its willingness and commitment to construct and maintain a treatment facility in Mexico to ensure the proper treatment and control of wastewater from Tijuana.

Congressman DUNCAN HUNTER and I have developed a proposal—which has been approved by the city and county of San Diego and the State of California—to construct a collector system and pipeline that would divert renegade sewage to the proposed Mexican treatment plant. This supplemental conveyance system will ensure the protection of the San Diego area.

Because the current statutory language is too restrictive, chapter VI of this bill contains a technical amendment that will allow the Environmental Protection Agency to release the previously appropriated funds for the planning and design of this proposal.

I am grateful of the assistance and attention of the Appropriations Subcommittee on HUD and Independent Agencies, and particularly the efforts of Chairman Ed BOLAND.

Soon this international problem, which has plagued the San Diego area for decades, will be resolved.●

● Mr. GREEN. Mr. Chairman, I should like to commend the committee and subcommittee chairmen, Mr. WHITTEN and Mr. NATCHER and the ranking minority member, Mr. CONTE, for including in the fiscal year 1985 supplemental appropriations bill an extremely important provision: fund-

ing for the program to aid family violence victims.

The tragedy of family violence cannot be overstated. This problem claims 2,000 to 4,000 women's lives each year. Approximately 1.8 million women annually are the victims of spouse abuse. Assistance for these women is far from adequate, a fact illustrated clearly by statistics from many shelters which report that they must turn away seven women for every one woman that they can serve. Last year we enacted the Child Abuse Amendments of 1984, and included a provision for a family violence program which permits funds to be given to nonprofit organizations that operate shelters for battered women and their children. However, funds have not been appropriated thus far. The \$6 million included in this bill for the program is critically needed and represents a sincere beginning in our efforts to alleviate this problem.●

The CHAIRMAN. If there are no additional requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I
CHAPTER I

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

For an additional amount for necessary expenses of "Cooperative State Research Service", \$300,000.

For an additional amount for a grant under the Act of August 4, 1965, as amended (7 U.S.C. 450i) to the New Mexico State University to help relocate the Fort Stanton Experimental Station to another site, thereby making available land needed for a new Ruidoso airport; \$1,200,000 to remain available until expended, to be available only upon the legislative transfer of the land from the Bureau of Land Management to the Sierra Blanca Airport Commission or the Village of Ruidoso and upon the enactment of an amendment to the law establishing the airport improvement fund which will permit Airport Trust Funds to help reimburse New Mexico for its investment.

ANIMAL AND PLANT HEALTH INSPECTION
SERVICE

For an additional amount for the Federal share of the cooperative boll weevil eradication program, not to exceed \$650,000; and for an additional amount to restore funds borrowed from other programs in order to conduct a grasshopper control program, \$10,000,000.

ECONOMIC RESEARCH SERVICE

For an additional amount for the Economic Research Service to determine the losses suffered by United States farm producers of agricultural products during the last decade as a result of embargoes on the sale of United States agricultural products and the failure to offer for sale in world markets commodities surplus to domestic needs at competitive prices for use in determining what part of existing indebtedness of farm-

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3963

ers should be suspended as a result of such foreign policy, \$500,000.

STATISTICAL REPORTING SERVICE

For an additional amount for "Statistical Reporting Service", \$1,560,000, for the Quarterly Farm Labor Survey.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Effective May 1, 1985, none of the funds in this or any other Act shall be available to close or relocate any State or county office of the Agricultural Stabilization and Conservation Service.

**FEDERAL CROP INSURANCE CORPORATION
SUBSCRIPTION TO CAPITAL STOCK**

To enable the Secretary of the Treasury to subscribe and pay for capital stock of the Federal Crop Insurance Corporation, as provided in section 504(a) of the Federal Crop Insurance Act of 1980 (7 U.S.C. 1504), \$50,000,000.

FEDERAL CROP INSURANCE CORPORATION FUND

For emergency borrowing authority as authorized by section 516(d) of the Federal Crop Insurance Act, as amended (Public Law 96-365), \$113,000,000 shall be available to the Federal Crop Insurance Corporation.

COMMODITY CREDIT CORPORATION**REIMBURSEMENT FOR NET REALIZED LOSSES**

For an additional amount to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), \$3,935,790,000.

OFFICE OF RURAL DEVELOPMENT POLICY

Of the funds made available by Public Law 98-473 for the Office of Rural Development Policy, \$209,000 shall remain available until September 30, 1986.

**FARMERS HOME ADMINISTRATION
SALARIES AND EXPENSES**

For an additional amount for "Salaries and expenses", \$17,000,000, to provide for the review of farm loans held by the Farmers Home Administration to determine, on a case-by-case basis, which borrowers are unable to continue making payments of principal and interest due to circumstances beyond their control and, thereby, qualify for temporary deferral of principal and interest and the foregoing of foreclosure as authorized by law. Upon presentation of substantial evidence to the Secretary that a borrower qualifies, payment of principal and interest shall be suspended and the Secretary shall forego foreclosure of loans owed to the Federal Government, as authorized by law. Other creditors shall be requested to postpone payments due.

LOAN PROGRAMS

Effective November 12, 1983, and thereafter, the interest rate charged by the Farmers Home Administration to housing, farm, water and waste disposal, and community facility borrowers shall be the lower of the rates in effect at either the time of loan approval or loan closing and any Farmers Home Administration grant funds associated with such loans shall be set in amount based on the interest rate in effect at the time of loan approval.

FOOD AND NUTRITION SERVICE**FEEDING PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)**

The appropriation for the feeding program for women, infants and children (WIC) contained in the conference agreement on H.R. 5743 (House Report 98-1071), as enacted into law by reference in Public Law 98-473, is hereby amended by striking out "which shall be available only to the

extent an official budget request is transmitted to the Congress".

FOOD STAMP PROGRAM

For an additional amount for "Food stamp program", \$318,856,000.

□ 1320

Mr. CONTE. Mr. Chairman, I move to strike the last word.

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Chairman, chapter I contains our committee's recommendations for \$4.49 billion in general program supplementals for the Department of Agriculture. The majority of this amount, \$3.936 billion is to reimburse the Commodity Credit Corporation for net realized losses. Although the President has not submitted a request for such appropriations, the fiscal year 1986 budget request denotes the requirements for this additional budget authority within its proposal for the conversion of the restoration of CCC losses to a permanent, definite appropriation. In light of the committee's rejection of this proposal, the administration has not objected to this provision.

The committee has recommended five fiscal year 1985 program supplementals as requested by the administration. These include \$1.56 million for the Statistical Reporting Service to convert the annual Farm Labor Survey to a quarterly basis; \$50 million to subscribe and pay for Federal Crop Insurance Corporation capital stock; an additional \$113 million in emergency borrowing authority for the FCIC; \$318.9 million for the Food Stamp Program; and \$17 million for salaries and expenses at the Farmers Home Administration.

In addition to those items requested by the administration, the committee has also recommended \$300,000 to the Cooperative State Research Service for shrimp aquaculture research; an amount not to exceed \$650,000 for the cooperative Boll Weevil Eradication Program at the Animal and Plant Health Inspection Service; \$10 million to APHIS to restore the funds borrowed from other programs to conduct a grasshopper control program; \$500,000 to the Economic Research Service to conduct several studies; and a \$209,000 reappropriation to the Office of Rural Development Policy.

Among the remaining provisions in chapter I include a prohibition on the use of funds in this or any other act for the closure or relocation of any State or county office of the Agricultural Stabilization and Conservation Service as of May 1, 1985. We have also included \$1.2 million for New Mexico State University to assist in the relocation of the Fort Stanton Experimental Station to another site, making land available for a new Ruidoso airport. The availability of these funds is made contingent on the enactment of legislation providing for the land transfer and the establishment of an airport improvement fund.

We have also included several provisions for the Farmers Home Administration to which the administration has expressed opposition. These include the provision on the suspension of payment on principal and interest of loans upon presentation of substantial evidence to the Secretary that a borrower qualifies, and the requirement that FmHA charge the lower of the interest rates in effect at the time of loan closing or loan approval on water and waste loans.

Finally, the committee has included language repealing a requirement contained within the fiscal year 1985 continuing resolution and making available \$76 million in appropriated funds for the Special Supplemental Food Program for Women, Infants and Children [WIC]. It is my understanding that the President will today submit a budget request to the Congress effectively providing for the release of these funds. I am hopeful that this request will soon be forthcoming, and that the Food and Nutrition Service will make these funds available to participating States by July 1, in accordance with the directive contained within our report to accompany this bill.

With regard to increases for pay costs, the committee has recommended a total of \$46.5 million, including \$673,000 by transfer and \$903,000 by increases in limitations. These recommendations are included in title II of this bill.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 6, after line 3, insert the following:

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses for States and local agencies to carry out the distribution of surplus commodities under the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note), \$4,270,000.

Mr. LELAND. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am glad to yield to the gentleman from Texas.

(Mr. LELAND asked and was given permission to revise and extend his remarks.)

Mr. LELAND. Mr. Chairman, I would like to commend the gentleman for putting forward this proposition.

I rise in support of the amendment offered by my colleague, Mr. DORGAN, to provide supplemental funding for the Temporary Emergency Food Assistance Program of \$4.3 million.

Twenty-nine States will be unable to continue providing commodities now in Federal storage to the poor without these funds for transportation and storage. The State aid enables private and local government agencies to bring the food to the 15 percent of our country's population now living below the threshold of poverty.

H 3964

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

There is no question that the food is needed. An April report by the U.S. Conference of Mayors stated that in 21 cities surveyed during the first 3 months of this year, 24 percent—nearly one-fourth—of the emergency demand for food went unmet. How can we possibly keep food in storage—at a cost to the taxpayers—when there is documentation that needs are unmet?

In my own city, Houston, TX, emergency food assistance requests continue to increase. The Houston food bank distributed more than half a million pounds of food in 1982; by the end of 1984 that distribution had risen by over 600 percent. Houston metropolitan ministries tell me that their weekday meal service provides the only meal for 76 percent of the homebound elderly they serve.

In Texas the TEFAP Program brings monthly allotments of food to 436,100 households in 250 counties. To date in fiscal year 1985 almost 5 million pounds of commodities—rice, cheese, butter, and dry milk—have been distributed.

According to a study prepared by the Food Research and Action Council, Texas is one of the States experiencing a shortfall in TEFAP funds. The Texas Antihunger Coalition, the capital area food bank of Texas and the State Department of Human Resources report that the amount needed is \$650,000. This is less than some States require and more than others but certainly not too much to move food from unproductive storage to people who are hungry.

Some States are attempting to make up the shortfall. In Texas, Al Price, a State representative from Beaumont, has introduced legislation to use carry-over funds to supplement TEFAP. However, there is no certainty that such funding transfers will be sufficient.

Earlier this year I introduced the comprehensive Nutrition Assistance Act which called for more adequate funding for TEFAP for fiscal year 1986. Mr. DORGAN, who is also a member of the House Select Committee on Hunger, was a cosponsor of that legislation. The amendment now before us is crucial to sustaining the flow of commodities needed by hungry people during the final quarter of this year.

The system set up by States and local governments in cooperation with churches and other private groups to deliver commodities has worked well with limited financial support from the Federal Government. Each dollar appropriated is matched by countless volunteer hours. To bring this process to a halt is certainly not in the public interest.

During the past few weeks we have seen new reports reminding us that more than half the children in this country grow up poor. This situation is shameful. To deny growing children proper nutrition today is to deny them their future. The proposed amend-

ment will help thousands of families with small children, as well as the elderly and other needy individuals, meet nutritional needs during the next 3 months. This is the least we can do.

Mr. DORGAN of North Dakota. Mr. Chairman, there are some things we do in our Government that we must do. One is, in a country as wealthy as this, we must feed those who are hungry.

In 1983 President Reagan offered an initiative that I thought was an awfully good one. He initiated a program that would allow the surplus commodities that are stored in caves in Missouri and other places around the country—milk, nonfat dry milk, cheese, cornmeal, honey, and so on—to be moved out of storage, for which we are paying a substantial amount of money, into soup kitchens, food banks, and other areas of the country serving the hungry and the needy in America.

I supported President Reagan when he did that. I commended him for it. I think it is an awfully good program. It is better that we discontinue paying storage on those surplus commodities and use the money instead to move those commodities to the people who are trying to feed the hungry in America.

We have run into a problem, however, on the cost of distribution. Fifty million dollars was made available as part of the cost of moving these commodities to the volunteer organizations in the country who are going to distribute the food to the hungry people.

In the fourth quarter of this fiscal year, there is a need for \$4.27 million to continue the ability of about 29 States who either have now run out of money or will run out of money to distribute these commodities.

Mr. Chairman, some things can wait, but some things cannot. This is a case where people simply will not eat these commodities that instead will be stored in surplus if we do not provide this money. We are not talking about a great deal of money, but it does make a big difference.

The question of whether we provide that money now really will determine whether or not those commodities move from storage to the soup kitchens of America to help feed hungry people.

I have not offered amendments to supplementals in the past and I am reluctant to do so today, but this is one of those things that cannot wait. The news reports in this country show that the number of hungry in this country is increasing. One-fourth of the children in America under the age of 6 are living in poverty. That is a staggering figure.

We do have surplus food. We do have the capacity, with the leadership of President Reagan under a program created by him, and adopted by Congress, to move this food to people who will distribute it to the hungry of

America. That makes good sense. It makes good sense for everybody: For the farmers; for the taxpayers who have to pay for the storage; but especially, it makes good sense in terms of our responsibility to the hungry people of America.

I would urge, Mr. Chairman, that we accept this amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I would be happy to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentleman for his amendment.

Earlier this year I had a hearing in my own district on the problem of the homeless. We had chance to go out and visit the food banks and many of the feeding kitchens in those areas. There is a desperate need for this amendment and I compliment the gentleman from North Dakota for offering it.

I think it is something that is vitally important. At a time when this country, in a very generous way, is dealing with problems throughout the world, I do not think we should forget the people right here at home who are needy and need this assistance.

I urge the House to accept this amendment.

Mr. DORGAN of North Dakota. I thank the gentleman from Washington.

It would be my intention that the USDA would use this money to target the areas that need this money, to move these commodities to the hungry people in this country.

Mr. WHITTEN. Mr. Chairman, we have no objection to the amendment on this side.

Mr. CONTE. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I have no specific objection to the amendment offered by the gentleman from North Dakota at this time. This is in part due to the fact that very little, if any, information on the amendment has been available to this Committee, at least on this side of the aisle. Our Committee in the last Congress made \$50 million available to the Temporary Emergency Food Assistance Program for this fiscal year. We support this program and the commodities which are made available to the needy men and women and children of this country; however, I am not convinced of the need for \$4.27 million in supplemental assistance at this time.

I will accept the good intentions of the gentleman, as expressed in the amendment; however, in the period of time that precedes our conference with the other body on this supplemental bill, I plan to take a very close look at the justification for this additional amount and request a full report from the Department of Agri-

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3965

culture on the administration of this program to date.

I would like to have the attention of the gentleman from North Dakota for a few questions.

First of all, how many State and local agencies require supplemental funding for TEFAP in 1985?

Mr. DORGAN of North Dakota. There are now 29 States that either have now or will be facing a shortage of money prior to the end of the fiscal year. A number of those States have gone back and tried to get additional moneys from their State or local jurisdictions. In many cases that is impossible to do. State legislatures in some cases are not in session. Other bodies have adjourned that would have been able to provide additional money.

Unfortunately, I say to the gentleman from Massachusetts [Mr. CONTE], a number of us do not have very much information about this because the information on this problem has been developed rather recently; but the difficulty we have is that if we do not provide some additional help the distribution of the commodities will be cut off. That is why I consider this a rather urgent request.

Mr. CONTE. Well, further, what accounts for this need? As I understand it, the full amount authorized and appropriated was made available in December. Why is it that the States and local agencies now have overspent funds, when they received money only 6 months ago?

Mr. DORGAN of North Dakota. It is not necessarily a case of local governments overspending. In most instances it is a case of the States that have a larger geography to serve discovering that transportation costs are much greater than that which was made available to them.

Let me say that I fully support the gentleman's notion that in the coming weeks, working up to a conference committee, we need to get as much information as we can from the USDA to make certain that we are only spending money that is necessary. I think the gentleman and I share the same goal. We want these commodities to move from storage to hungry people. We want to get that job done, but we do not want to spend any more money than is necessary.

Mr. CONTE. The other thing I want to say is that I heard the gentleman from Washington [Mr. Dicks] say that he has examined the program. So have I. But I have also examined some program participants in my hometown of Pittsfield. I know people who are retired, husbands and wives from the General Electric Co., who are going down to Las Vegas resorts and are out there collecting cheese. Now that is wrong. We have got to tighten up on this program.

I want to help the hungry. I want to help the needy; but you know what happens. Some say, "Well, Joe Blow next door gets it, so why shouldn't I

get it?" That is a scandal and an outrage.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield further to me?

Mr. CONTE. Yes, go ahead.

Mr. DORGAN of North Dakota. I agree with that. But, we do not want the exception, in my judgment, to injure the rule. If there is an exception, if there is abuse, I want to work with the gentleman to get rid of that abuse; but the rule is that the number of hungry in this country are increasing. We have got enormous amounts of surplus commodities. I support the President's attempt to move them out to the people that need to eat them.

Mr. DICKS. Mr. Chairman, will the gentleman from Massachusetts yield?

Mr. CONTE. Surely, gladly.

Mr. DICKS. Mr. Chairman, I want to say that I agree with the gentleman, too. I think it is absolutely essential that these resources go to the people in the communities who are truly needy and I certainly support the gentleman.

I might add, I do not think people should be gambling with their cheese money, either.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN.]

The amendment was agreed to.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask a couple of questions about a section of the bill that we just passed with regard to the Food Stamp Program.

The supplemental appropriation allocates \$318,856,000 for the Food Stamp Program. I would ask the distinguished Chairman, the gentleman from Mississippi, is this money for the Food Stamp Program within the budget allocation from last year?

Mr. WHITTEN. Mr. Chairman, may I say to the gentleman, it is and the money, as the gentleman knows, is required under the basic law. This is the exact request that we were given by the President as to what the requirements would be for the remainder of the year.

Mr. WALKER. That was my second question. In other words, this is going to be sufficient money now to carry us through the end of the year; is that correct?

Mr. WHITTEN. That is my understanding.

Mr. WALKER. Well, I go back, the reason I am asking the questions is that it seems to me that when we passed the appropriations bill last year, we only partially funded the Food Stamp Program. The original budget request from the Reagan administration was for \$11.596 billion and the appropriation level was \$11.5 billion.

□ 1330

I do not have the exact figure that was in the budget, but the gentleman

is assuring me that the \$318 million that we are appropriating here is within the budget from last year and will not exceed last year's budget request for food stamps, and will get us through the rest of the year; is that correct?

Mr. WHITTEN. Of course I am a little skeptical about giving the gentleman a guarantee. This is handled by the executive branch of the Government and it is a big program, as the gentleman knows. Our committee has tried regularly to try to control the handling of the Food Stamp Program. It is a program where it is hard to control because many prosecutors do not care to deal with the slight violations of the law that occur. Also, the certification is by the State welfare agents and the handling of it at the local level is by the State welfare agencies.

I can tell the gentleman this: It is our best judgment as to what they need, it is the full amount of the President's budget request, and the money is required by law.

Mr. WALKER. I thank the gentleman for that explanation.

What about the fact, then, that last year we funded the program for only part of the year at the full appropriation level? I mean where are the extra funds coming from if this is within the budget?

Mr. WHITTEN. As the gentleman will see in our report on page 21, we point out:

Public Law 98-473, enacted October 12, 1984, provided that, effective November 1, 1984, food stamp allotments would be increased to reflect 100 percent of the cost of the Thrifty Food Plan. Until passage of this law, food stamp allotments for fiscal year 1985 were scheduled to be based on 99 percent of the value of the Thrifty Food Plan.

So we are only following the law.

Mr. WALKER. I thank the gentleman, but that still does not get to the point I am raising. I realize that we have laws that may cause the amount for the Food Stamp Program to increase the cost, and that is what we are responding to here. I am trying to find out whether or not we are staying within the budget. I am concerned about the fact that last year when we appropriated money, when the appropriations bill was on the floor we only partially funded the Food Stamp Program. We only funded the Food Stamp Program for a period of some months, and it was not for the full year. It seems to me that it was for a 9-month period, but it may have been for 10½- or an 11-month period. I have forgotten exactly.

I am trying to find out right now whether or not we are now going over the budget in order to make up for the fact that we only partially funded the Food Stamp Program.

Mr. WHITTEN. The gentleman is familiar with what the budget is that is sent to Congress by the President, actually worked up by Mr. Stockman in the Office of Management and Budget. They have a regular system of

H 3966

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

submitting a budget request for far less than the law requires. In those instances we have appropriated the money as provided by law for such time as it would last. They want to write us a letter and ask us to appropriate the full amount and not send down an official budget estimate so we are the ones who appear to exceed the budget. So there have been a number of times we have appropriated the requested amount for less than 1 year because they refused to send a budget request that is sufficient to carry out the law for the full year. So that is a constant problem that we have with the Office of Management and Budget.

Mr. WALKER. My point is, though, that you give the administration kind of a Hobson's choice and you do it I think very consciously then when in fact what you do is only fund the program for part of the year. You use up all of the money in the budget and then say to the administration: "But if you send us a letter, send us a letter asking for money for the rest of the year, then it is you that are at fault for exceeding the budget and not us."

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WHITTEN. From our viewpoint, they are asking us to either exceed the budget or to violate the law. So we appropriate the money for the period that it will last as required by law, which I think is the only way to get the Office of Management and Budget to send a proper budget estimate down.

For this estimate I do not think that applies, because for fiscal year 1985 we appropriated the full amount required under the law. The law was changed after we passed our bill and the President submitted a supplemental request to carry out the new law.

Mr. WALKER. So what I hear is that we should not, under the best judgment of the committee, have another supplemental appropriation back sometime this summer for additional moneys for the Food Stamp Program?

Mr. WHITTEN. I do not know how to satisfy the gentleman, not only about this but about any other thing. I will just tell him what the committee has done. We have refused to change the law by appropriating less money than required by law for the full year. We have appropriated the full amount required to carry out the law. We have followed the figures requested by the President, but, again, it is an estimate.

Mr. WALKER. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER II DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION SALARIES AND EXPENSES (INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", \$992,000, to remain available until expended.

Of available funds under this head, \$449,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

BUREAU OF THE CENSUS SALARIES AND EXPENSES (RESCISSION)

Of available funds under this head, \$241,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

ECONOMIC AND STATISTICAL ANALYSIS SALARIES AND EXPENSES (RESCISSION)

Of available funds under this head, \$433,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

ECONOMIC DEVELOPMENT ADMINISTRATION SALARIES AND EXPENSES (RESCISSION)

Of available funds under this head, \$120,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

INTERNATIONAL TRADE ADMINISTRATION PARTICIPATION IN UNITED STATES EXPOSITIONS (RESCISSION)

Of available funds under this head, \$6,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

MINORITY BUSINESS DEVELOPMENT AGENCY MINORITY BUSINESS DEVELOPMENT (RESCISSION)

Of available funds under this head, \$305,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION SALARIES AND EXPENSES (RESCISSION)

Of available funds under this head, \$468,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FISHERMEN'S CONTINGENCY FUND

For an additional amount for "Fishermen's Contingency Fund", \$500,000, for carrying out the provisions of Title IV of Public Law 95-372, as amended, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES LOAN FUND (RESCISSION)

Of available funds under this head, \$1,550,000 are rescinded.

FEDERAL SHIP FINANCING FUND, FISHING VESSELS

For necessary expenses of the "Federal Ship Financing Fund, Fishing vessels", \$20,700,000, to remain available until expended together with such sums as may be necessary for the payment of interest, for payment to the Secretary of the Treasury for debt reduction.

PATENT AND TRADEMARK OFFICE SALARIES AND EXPENSES (RESCISSION)

Of available funds under this head, \$1,472,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES (RESCISSION)

Of available funds under this head, \$183,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION (RESCISSION)

Of the funds made available under this head, \$32,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION OPERATIONS AND TRAINING (DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D85-54 relating to the Department of Transportation, Maritime Administration, "Operations and Training" as set forth in the message of February 6, 1985, which was transmitted to the Congress by the President.

AMENDMENT OFFERED BY MR. DAUB

Mr. DAUB. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAUB: On page 9 strike out lines 24 through 26 and on page 10 strike out lines 1 through 6.

Mr. DAUB. Mr. Chairman, the amendment I am offering this afternoon would delete language in this bill, which amazingly prevents the repayment of at least \$200 million in taxpayers' money back to us and to the Federal Treasury.

The taxpayers subsidized U.S. shippers competing in foreign commerce to the tune of hundreds of millions of dollars over the last decade or so. These shippers now want to repay these subsidies to us with interest. This would result in \$200 million to \$400 million of repayments to the Treasury.

In return for these repayments these shipowners want to be allowed to compete in transporting Alaskan oil to the lower 48 States, which current law prevents them from doing. Competing in this market could save \$800 million to \$3 billion over the next 3 years in reduced oil costs.

The House first concurrent budget or Gray resolution assumes that at least \$200 million of these subsidies will be paid back in the next year. So did the 92 Group budget substitute and the Latta budget substitute. The Senate budget resolution also assumes this repayment.

It seems that all major budget instruments in the House or the other body assume that the American taxpayer is going to get at least \$200 million of prior subsidies repaid to them.

□ 1340

All budget instruments, that is, except for the one before us today. This supplemental appropriations bill has a rider in it which I propose to strike to prevent these substantial re-

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3967

payments as well as the lower Alaskan oil costs which would result from permitting domestic oil shipping competition.

My amendment would knock out this costly rider, a rider which is designed to prevent the regulations published which would be effective tomorrow from going into effect that would have allowed by regulation this repayment to occur.

But I have received assurances from my colleagues, Mr. WALTER JONES, the distinguished chairman of the House Committee on Merchant Marine and Fisheries, and Mr. NORMAN LENT, the distinguished ranking member of that committee, that they will work for legislation in the committee permitting substantial repayment and increased shipper competition in Alaskan oil.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 1985.

TAKE MY SUBSIDY—PLEASE

This headline from a New York Times editorial describes the saga of shipowners caught in the unfortunate position of attempting to give back taxpayer money! I call the position unfortunate because giving back American money even at a time of staggering deficits appears to be a formidable task. They haven't been allowed to do it.

Here's their problem. In the 1970's the taxpayer paid hundreds of millions of dollars to construct oil tankers to be used in foreign trade. The taxpayer provided and will continue to provide operating subsidies for these ships. Many of these shipowners now want to repay the subsidies to the Treasury with interest and forego future operating subsidies! This could result in payments to the Treasury of \$200 to \$400 million!

In exchange for the privilege of returning money to the taxpayer, these shippers want to participate in transporting domestic oil from Alaska to the lower 48 states. Their participation in this trade will result in reduction in shipping cost of Alaskan oil from \$800 million to \$3 billion according to the Department of Transportation. This means big saving for consumers over the next few years.

The Department of Transportation has tried to allow repayment of the subsidies and permit competition in Alaskan oil trade. Congress has blocked such anti-deficit heresy. In fact, the supplemental appropriation bill on the floor this week again blocks this repayment.

This is despite the fact that the First Concurrent Resolution, the House 92 Group Substitute, the Latta Substitute and the Senate Concurrent Budget Resolution all assume that at least \$200 million of the subsidies will be repaid by shippers.

For the sake of taxpayers and consumers as well as the novel notion that repaying the taxpayer ought to rise to the status of an unalienable right, I intend to offer an amendment to the Supplemental Appropriations deleting that portion of the Act which prevents this subsidy payback.

I hope you will join me in supporting this amendment.

Sincerely,

HAL DAUB,
Member of Congress.

[From the New York Times, April 15, 1985]

TAKE MY SUBSIDY—PLEASE

The owners of big American-built oil tankers want to give back some \$400 million in Government subsidies. But they're having a

hard time persuading Washington to accept the cash. The chronicle of their difficulties is a dreary study of government at its worst.

It costs far less to build a ship in a foreign shipyard than in America. Yet some Americans are afraid that foreign competition will destroy the commercial shipbuilding industry. They have gone far with the dubious theory that the industry is essential to national defense.

That is how Congress came to spend hundreds of millions in the 1970's to subsidize fully half the cost of building 29 oil tankers for the international trade. But even with these subsidies, the tankers have been unable to turn a profit.

The only American tankers making money today are the ones carrying oil from Alaska to American refineries. They are highly inefficient but manage a profit because they have a captive market. Oil companies are barred by law from selling Alaskan crude abroad and must use American-built ships to carry it to American refineries.

Not surprisingly, therefore, the owners of the subsidized international fleet would like to get into this lucrative Alaska market. But when Congress decided to subsidize their ships, it insisted that they would have to stay out of domestic competition. So the internationals are begging to give back the subsidies.

The Transportation Department tentatively agreed two years ago to take the deal, with interest, and let the big tankers into the Alaska trade. But the owners of the rust buckets now serving Alaska protested bitterly. If they were driven out of business, they argued, the Navy would no longer have their ships to use in wartime.

The Transportation Department properly dismissed that claim. If barely seaworthy tankers are needed to fight the next war, it concluded, let the Pentagon buy them for scrap value and keep them in mothballs. The real question was whether the Alaska shippers deserved precedence over the taxpayers who subsidized the internationals. And the answer to that, it concluded, was easy.

But the story did not end there. The Alaska fleet steamed up to the Capitol Hill and got Congress to prohibit the deal. And it wants the prohibition renewed when it expires on May 15. Given the budget deficit, Congress, too, is likely to yield to common sense. But that still leaves the White House, where highly placed friends of the Alaska tankers are trying to persuade the National Security Council to reweave the threadbare argument about national defense. Is the Administration serious about reducing waste and making the economy more competitive? Watch what it does.

I have also spoken with both Mr. BIAGGI, the chairman of the Subcommittee on Merchant Marine, and Mr. GENE SNYDER, the able ranking member of that subcommittee, who pledged their best efforts on this matter of such importance to the taxpayers and consumers.

I understand a member of one of those committees is present and desires to have a colloquy.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I would be happy to yield to the distinguished chairman of the subcommittee.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman, pursuant to our discussion prior to this moment, I want to assure the gentleman [Mr. DAUB]

that the Merchant Marine Subcommittee, which I chair, has had hearings on the issue and is prepared to have markup the week after next, and I cannot be more vigorous in my commitment to the gentleman [Mr. DAUB] so that he can be assured that this committee is determined to go ahead and have legislation. What we are trying to do is work out a compromise, a compromise which is conceivable. Both ends of the spectrum are moving in light of the reality of the day, irrespective of the philosophical differences. We are trying to work it through the legislation so that we can accommodate all segments of the industry without destroying the industry and also accommodate the gentleman's prime concern with relation to some moneys coming back into the revenue.

Mr. DAUB. Mr. Chairman, I say to the gentleman I appreciate his commitment in that regard. I am not a member of the subcommittee or the full committee of which the gentleman is a member. I profess not to be an expert on the matter, but I am interested in the budget savings that have been generally agreed upon by the Congress up to this point and I am interested as well in the procompetition aspect of that.

I think there is a great consumer benefit but I do not want to interfere with what seems to be a fairly rapid track. This supplemental was probably not anticipated, and the committee has already committed itself to a markup to forge those savings and that improvement in the competitive price of oil from Alaska.

Mr. Chairman, I commend the gentleman for his interest in that regard and thank him for his contribution to my thinking in the matter.

Mr. BIAGGI. I thank the gentleman for his comments.

Mr. DAUB. If I might proceed, I do want the RECORD to reflect a "Dear Colleague" which was entitled "Take My Subsidy, Please" which is the caption as well of an article I would like to include in the RECORD, with the Chairman's permission, by the New York Times, so entitled, which discusses this differential subsidy and what now appears to be a substantial agreement on both sides of the aisle and in both bodies.

With that, Mr. Chairman, if there are no objections, I would ask permission that my amendment be withdrawn and would so move.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. CONTE. Mr. Chairman, reserving the right to object, all I can say is I am very disappointed in the gentleman from Nebraska withdrawing his amendment.

Mr. DAUB. I thank the gentleman.
Mr. CONTE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

● Ms. MIKULSKI. Mr. Chairman, I rise in very strong opposition to the amendment to strike the provision which deals with CDS payback from the supplemental.

As my colleague from Nebraska has indicated in offering this amendment, the Department of Transportation has issued a final rule to provide a formula for CDS repayment.

I oppose that rule for three simple and straightforward reasons:

First, because it will cause a substantial loss of jobs in the domestic seafaring and shipbuilding industries.

A recently released study by Deloitte, Haskins and Selles puts the total at somewhere around 8,000, and some have said that is just the tip of the iceberg.

Second, it will hurt our national security.

This rule will put most of our Nation's smaller tankers out of business permanently. Yet it is these very tankers we will need in the event of our own "Falklands crisis".

Third, this rule essentially changes the rules in the middle of the game.

The Merchant Marine Act of 1970 specifically gave bulk carriers the right to receive construction subsidies so they could build ships in American shipyards.

In return for these subsidies, these operators were restricted to ploughing the foreign trade exclusively.

They freely accepted subsidy, yet now they want to repay those subsidies and enter a trade which has been reserved since the 1920's for those who built vessels in American shipyards without Federal help.

On the other hand, operators in the domestic trade invested large sums of capital, at considerable risk, in return for the right to operate in the Jones Act.

These entrepreneurs have supported a strong U.S. merchant marine and U.S. shipbuilding base, because both help provide American jobs and a strong defense.

It is poor policymaking for a department of the Federal Agency to move on such a critical issue without Congress having its rightful opportunity to set the terms for any repayment.

Fourth, and finally, I oppose this rule because it is based on a false assumption:

That it will bring the Government a windfall in revenue with no strings attached, while at the same time lowering the cost of home heating oil for consumers.

The Deloitte study I referred to earlier suggests that under the best of circumstances, the rule would cause a negative impact on the Federal Treasury.

The rule could cost us as much as \$475 million from lost Federal tax rev-

enues, defaults on title XI loan guarantees, and additional unemployment payments by the Government.

In addition, at a hearing last month before the Merchant Marine Subcommittee, the proponents of this rule indicated that it would not save consumers 1 cent in lower home heating oil or gasoline prices.

It is the level of foreign-imported oil, and little else, which regulates heating oil and gas prices.

CONCLUSIONS

We need a compromise on this issue which will settle it equitably and fairly once and for all.

But Congress needs additional time to set the terms for any repayment.

Nothing in this legislation precludes ongoing judicial review of the legality of the rule or the rulemaking process that was followed.

I am hopeful that we reach an equitable settlement on this issue and urge my colleagues to support the Appropriations Committee and vote down this amendment to strike the CDS payback language in the supplemental. ●

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISION

None of the funds provided in this or any other Act shall be used for the enforcement of any rule with respect to the repayment of construction differential subsidy for the permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, as amended: *Provided*, That such funds may be used to the extent such expenditure relates to a rule which conforms to statutory standards hereafter enacted by Congress.

Mr. DINGELL. Mr. Chairman, I have an amendment at page 10.

The CHAIRMAN. It is required that the Clerk read the preceding paragraph, which we will assume is now done, and the gentleman from Michigan is recognized.

Mr. WALKER. Mr. Chairman, I have a point of order against this section.

The CHAIRMAN. The gentleman has a point of order against the section beginning on page 9?

Mr. WALKER. No; I am sorry; page 10.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 10, after line 6 insert the following:

FEDERAL COMMUNICATIONS COMMISSION

Notwithstanding the provisions of the next paragraphs under the heading "Salaries and Expenses" in this Act regarding relocation of the Fort Lauderdale, Florida, Monitoring Station, before the Federal Communications Commission and the General Services Administration take any action under such paragraphs committing funds for any purpose or disposing of Federal lands and facilities for such station, the Chairman of the Commission and the Administrator of the Administration shall (1) jointly prepare and submit to the Commit-

tee on Energy and Commerce and the Committee on Government Operations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Governmental Affairs of the Senate a letter or other document setting forth in detail provisions and procedures for such acquisition, construction, and disposition which reasonably carry out the provisions of these paragraphs expeditiously, but will not disrupt or defer any programs or regulatory activities of the Commission or adversely affect any employee of the Commission (other than those at the Monitoring Station who may be required to transfer to another location) through the use of appropriations for the Commission in fiscal years 1986 and 1987, and (2) wait a minimum of 30 calendar days for review by such Committees. Any reimbursed funds received by the Commission from the Administration pursuant to these paragraphs shall remain available until expended.

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Reserving the right to object, I do so simply to make an inquiry. It sounds to me as though the amendment goes to the section of the bill to which I was about to raise a point of order and was assured that the point of order did not rest at that time.

Mr. Chairman, I would renew my request that I be permitted to raise my point of order to the section of the bill that begins on line 7 of page 10.

The CHAIRMAN. The gentleman from Michigan has offered an amendment after line 6 and prior to line 7.

Mr. DINGELL. Mr. Chairman, I will be delighted to yield to the gentleman for the purpose of making the point of order as long as the amendment is considered in the proper course.

The CHAIRMAN. That paragraph has not been read. It is not in order to raise a point of order against it at this time.

Mr. WALKER. Mr. Chairman, I reserve then a point of order with regard to the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] reserves a point of order.

The gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes in support of his amendment.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I offer the amendment reluctantly because of the great respect for the distinguished and able gentleman from Florida [Mr. SMITH], who not only is most able, but has been most persuasive. He and the staff of the Subcommittee on Telecommunications have had discussions on this matter, as have members of the staff of the full Committee on Energy and Commerce, and

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3969

at the appropriate time I will ask unanimous consent to include the correspondence with the FCC relative to this matter in the RECORD:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, June 5, 1985.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building
Washington, DC.

DEAR CHAIRMAN DINGELL: This is in response to your letter of May 30, 1985, expressing concern regarding a provision of H.R. 2577, the Supplemental Appropriation Bill for Fiscal Year 1985, that relates to a proposed relocation of the Commission's Ft. Lauderdale Monitoring Station within the State of Florida.

Please be assured that it was never the intention of the Federal Communications Commission to circumvent, in any way, the Committee on Energy and Commerce regarding the proposed relocation of the monitoring station. In fact, the legislative proposal for such a relocation was initiated by Congressman Larry Smith of Florida. Background information concerning this matter is reflected in the enclosures; a letter dated June 18, 1984, to me from six south Florida Congressmen; a letter dated June 26, 1984, to me from Congressman Wirth; a letter dated July 18, 1984, to Congressman Wirth from me; and a letter dated February 11, 1985, to Congressman Smith from me.

As reflected in the enclosures, the FCC had no objections to Congressman Smith's proposal if a suitable site could be found, if funding could be made available for the relocation, and if the relocation could be accomplished without disruption to the Commission operations. We understood that Congressman Larry Smith would coordinate this proposal with appropriate House and Senate Committee staffs.

With this as background, the following answers are provided to your specific questions:

1. Has the FCC concluded that relocation is necessary or appropriate? What justification, if any, exists for such a relocation? When did the FCC advise Congress of the need to relocate? What are the FCC relocation plans? What is the estimated cost thereof?

Answer: The FCC does not believe that relocation is necessary. However, there would be benefits to the public and to the Commission if such a relocation were authorized by Congress. Present power restrictions on radio and TV stations due to their proximity to the Fort Lauderdale Monitoring Station could be lifted if the monitoring station is moved, thereby providing better service to residents of the Fort Lauderdale area. Relocation to the proposed Vero Beach site would also enhance the overall effectiveness of the Commission's nationwide direction finding network as there would be less frequency congestion in that area. Finally, there could be a net gain to the U.S. Treasury in the range of two to three million dollars.

The FCC has had on-going discussions with Congressional staff since June 1984 regarding the possibility of relocating the Ft. Lauderdale Monitoring Station due to the construction of the highway adjacent to the Fort Lauderdale site. This proposal was discussed directly with Congressman Larry Smith in February 1985, when he indicated his willingness to pursue this issue with his fellow Congressmen and Senators.

If the relocation is approved by the Congress, the Commission would begin immediate procurement action to locate and execute an option on a new site such as Vero Beach. Once an option is negotiated, the

current site would be declared excess to the General Services Administration (GSA) and would be put up for sale. Once a sale of the current site is negotiated by GSA with a lease-back provision, and funds from the sale become available, the Commission would exercise its option to buy the land and award contracts for the construction of the new facility. Relocation to another site will cost approximately four million dollars. This excludes the cost of leasing-back the present facility pending construction of a new monitoring station.

I should emphasize that if Congress does not enact the requisite authorization for the relocation, or GSA cannot carry out its responsibilities in a timely manner, the Commission will proceed with its original plans to construct a new monitoring station with its antenna systems at the present Fort Lauderdale location. If we do not continue with our present schedule and the road construction is completed before the new station is finished, we run the serious risk of adversely affecting our vital monitoring mission due to the increased level of vehicular ignition noise.

2. Does the FCC support the provisions of H.R. 2577?

The Commission supports the provisions of the Bill for the reasons and with the reservations stated above.

3. The bill appears to authorize the FCC to use FCC operating funds in FY 1986 and 1987 for the relocation and to provide for a reimbursement. When must the FCC commit funds for the relocation? What will happen to FCC operations if the reimbursement does not occur in FY 1986 or in FY 1987? Why is reimbursement appropriate and necessary?

We are advised by the State of Florida that road construction adjacent to our Fort Lauderdale Monitoring Station will commence in November 1985 and the new highway is scheduled to open for public use in December 1987. During construction, monitoring capabilities will be adversely affected to a degree as the result of increased radio noise. Interference will increase substantially when the new highway is opened. Therefore, it is imperative that we complete reconstruction or relocation of the monitoring station on or before the end of 1987.

If authorization to move the Fort Lauderdale Station elsewhere in Florida is granted, funds would be needed in FY 1986 to initiate the relocation process.

As mentioned previously, if the proposed relocation is not authorized by Congress and funded in a timely fashion by sale of the present site, the Commission will proceed with its original plans to reconstruct the monitoring station at its present Fort Lauderdale location to ensure continuity of our nationwide monitoring network.

Either a direct appropriation or expedited sale and reimbursement as proposed in H.R. 2577 is required to relocate the Fort Lauderdale Monitoring Station. Approximately 75% of the Commission's appropriated funds are for salaries and benefits and most of the remainder is for essential support services such as office rent, telecommunications, and travel. Due to the cost, the Commission is not able to fund the relocation out of existing appropriations without seriously impairing its rulemaking, licensing, and enforcement programs.

4. Please explain why it is necessary to provide special provisions for the General Services Administration (GSA) to dispose of the property? Why is existing law not adequate? Does the GSA support this provision? What is the fair market value of this FCC property? Will all of the property be sold?

The special provisions required relate to the reimbursement of the funds directly to FCC. GSA has the authority to sell the land once declared excess, but not to reimburse a part of the sale price to the Commission. Further, GSA regulations concerning property disposal normally involve a lengthy process of offering available land first to government agencies and then to the public for sale. The proposed special provisions would provide for both expeditious and direct reimbursement to the FCC. If the relocation is approved by Congress, the special provisions are required to ensure continuity of monitoring operations in the critical Florida area.

Because the authority contained in this legislation is discretionary, and no final decision to proceed in this manner has been made by the Commission, we have not yet been in direct contact with GSA. However, because of concerns you have raised, we will immediately contact GSA to explore the feasibility of this proposal and report to you on the results of our discussions.

We have not had a recent land appraisal on the Ft. Lauderdale property. However, as indicated in one of the enclosures, an offer of \$6.8 million dollars for the property has been received. Accordingly, it appears that the fair market value of the property would likely be in the range of \$6-7 million dollars.

It is anticipated that all the property would be sold.

I trust the above is fully responsive to your inquiry. Please call me if you need any additional information. I wish to assure you that the Commission will take no action on this matter which will in any manner jeopardize our mission or programs.

Sincerely,

MARK S. FOWLER,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 1984.

Hon. MARK FOWLER,
Chairman, Federal Communications Commission,
Washington, DC.

DEAR MR. CHAIRMAN: On behalf of our constituents in South Florida, we are writing you concerning the F.C.C. Monitoring Station in Ft. Lauderdale.

The Ft. Lauderdale station was built in 1947 when our entire region was largely undeveloped. This area is now the eleventh most populated of the United States. To keep up with the rapid growth, the communications industry of the region increased to provide local service. The Monitoring Station is now located in the center of the region.

The radio stations and the newly designated UHF Channel 33 would like to expand their coverage in the region, but they cannot because of the location of the Monitoring Station. Presently, the stations are forced to limit their coverage area to stay within the boundaries of the Monitoring Station. If the station could be moved, the problem would be resolved.

At the present time, a large portion of Dade and Broward Counties cannot receive certain coverage of AM stations in the evening. The radio stations and Channel 33 have been forced by the F.C.C. to reduce their power to avoid interfering with the Monitoring Station. It is unfair to these radio stations and listeners in this area to be subject to this problem because the Monitoring Station is not, by virtue of population growth, where it should be.

The F.C.C. is planning to move the station in the next few months due to the construction of a new interest highway. Unfortunately, the station currently plans to move

H 3970

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

the entire operation only a few hundred feet.

The Monitoring Station provides important functions such as helping ships at sea and aircraft in distress. However, it does not have to be located in Broward County to fulfill its service. In fact, the idea to move the station originally came from F.C.C. personnel that operate the facility.

The radio stations in the area have proposed twelve separate pieces of federal land for the site of the station, but the F.C.C. Field Operations Bureau has rejected each site. F.C.C. officials also claim they lack a Congressional appropriation to make such a move. Yet, the land on which the current site is located is estimated to be worth \$6 million. The logical solution is to sell the existing site and use the funds to move the station to a new unobtrusive location which would enable AM stations in Dade and Broward to expand coverage.

We currently are working on the authorization and appropriations of funds to move this station. We hope the funding may be provided for a move.

We would like the F.C.C. to agree to the following:

- (1) Delay plans to move within the present site for 3 months;
- (2) Meet with Members of Congress and Radio Station representatives from South Florida in the next several weeks;
- (3) Work closely with South Florida stations to find an alternative site; and
- (4) Examine all proposed sites and provide reports on the feasibility of these locations as a site for the Monitoring Station.

We hope you find these suggestions reasonable, and we look forward to your prompt reply on this important matter.

Thank you for your cooperation.

Very truly yours,

E. CLAY SHAW,
DANTE B. FASCELL,
DAN MICA,
LAWRENCE J. SMITH,
WILLIAM LEHMAN,
CLAUDE PEPPER,
Members of Congress.

SUBCOMMITTEE ON TELECOMMUNICATIONS, CONSUMER PROTECTION, AND FINANCE OF THE COMMITTEE ON ENERGY AND COMMERCE,

Washington, DC, June 26, 1984.

Hon. MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN FOWLER: I am writing in regard to the FCC monitoring station located in Ft. Lauderdale, Florida. I have been contacted by a Member of the Florida delegation who is concerned about the inability of several Florida radio stations to expand their coverage area while the FCC maintains a monitoring station in the area. A letter from six Members of the Florida delegation, outlining their concerns about the station, was forwarded to your office on June 18.

It is my understanding that the monitoring station is to be moved a short distance in the near future to allow for the construction of an interstate highway. Florida broadcasters believe that this is an opportune time to relocate the FCC monitoring station so that they can expand their coverage area to better serve residents in this area. The current location of the monitoring station has grown from a sparsely populated area, when the station was originally built, to a heavily urbanized area. According to FCC personnel employed at the monitoring station and engineer analyses performed by the Florida broadcasters, moving the station to a less cluttered "RF" environment

would allow it to function better than at its current location.

I am concerned about the difficulty the Florida Broadcasters have experienced in resolving this matter with the Commission. For example, twelve alternate sites for the station have been proposed by the broadcasters and other interested parties, yet it appears that the Commission has not carefully studied moving the monitoring station to any of these proposed sites.

Given the information concerning the station's potential increased efficiency at another location, and the current adverse impact on local broadcasters, I believe the relocation of the monitoring facility should be given the most serious consideration and study by the Commission. Toward this end, six Members of the Florida delegation have requested that the Commission delay plans to move the site for three months, and meet with members of Congress and radio station representatives from South Florida in the next several weeks. I am pleased to have learned that the Commission has agreed to meet with these interested parties. I strongly urge your most serious consideration of their requests in order to resolve this matter.

It is imperative that the Commission examine this situation quickly. Otherwise, the monitoring station may be moved only a few hundred feet when it would appear that both the Commission and local broadcasters could benefit from its relocation to a less populated area.

In advance, thank you for your attention to this matter.

With best wishes,

Sincerely yours,

TIMOTHY E. WIRTH,
Chairman.

FEDERAL COMMUNICATIONS
COMMISSION,
Washington, DC, July 18, 1984.

Hon. TIMOTHY E. WIRTH,
Chairman, Subcommittee on Telecommunications, Consumer Protection and Finance, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN WIRTH: This is in response to your letter of June 26, 1984, regarding the FCC monitoring station located in Ft. Lauderdale, Florida.

In response to a letter dated June 18, 1984, signed by Congressmen E. Clay Shaw, Dante B. Fascell, Dan Mica, Lawrence J. Smith, William Lehman and Claude Pepper a meeting was held on June 27, 1984, at the Capitol. Attending that meeting from the Commission were Richard M. Smith, Chief, Field Operations Bureau; Robert W. Crisman, Chief FOB Engineering Division; Jackson F. Lee, Director of Legislative Affairs; and Sue Ann Preskill, Office of General Counsel. Congressmen Fascell, Smith and Lehman and staff members attended as did a delegation of South Florida Broadcasters.

A discussion was held outlining the problems of both this agency and the affected broadcasters. Mr. Smith stated that the FCC would be willing to move the monitoring station if (1) a satisfactory site in South Florida is found, and (2) the Commission receives the necessary funding from the Congress to make the move. At the end of the meeting it was agreed that the broadcasters would assist the Field Operations Bureau in finding a location that would fulfill the Commission's needs. In fact, as of today, a preliminary meeting has been scheduled between a representative of one of the broadcast stations and Mr. Crisman.

I hope this is responsive to your request. Let me assure you that we are anxious to work with the South Florida Congressional

delegation and the broadcasters to attempt a solution to this problem.

Sincerely,

MARK S. FOWLER,
Chairman.

FEBRUARY 11, 1985.

Hon. LAWRENCE J. SMITH,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SMITH: This is in response to the January 31, 1985, meeting with you and your staff members Jonathan Slade and Paul Smith regarding possible relocation of the Commission's South Florida monitoring station from Fort Lauderdale to Vero Beach. Attending the meeting for the Commission were Richard M. Smith, Chief, Field Operations Bureau (FOB), FOB staff members Robert W. Crisman and Lawrence Clance, Thomas Campbell, Office of Managing Director, and Marilyn McDermott, Mass Media Bureau.

As you are aware, the Fort Lauderdale Monitoring Station is one of 13 such facilities in the country whose mission is to monitor the entire radio spectrum, analyze signals to determine technical compliance with U.S. radio laws and international treaties, and use radio direction finding techniques to determine the source of unauthorized and interfering signals. These facilities are relied upon by the U.S. Coast Guard to provide radio direction finding fixes for search and rescue. The locations of these stations were very carefully selected to optimize radio reception and direction finding baselines.¹

Over the past several years, as part of the plan to convert State Road 84, which fronts the Fort Lauderdale Monitoring Station property, to an interstate highway, the Commission reached an agreement with the State of Florida to accept a small parcel of land along the back edge of the property in exchange for the portion of the Commission's property which the state needs in order to improve the highway. Because this exchange would have left the main monitoring building intolerably close to radio frequency ignition noise from automobiles using the highway, the State of Florida provided funding, initially in the amount of \$700,000, to reconstruct the main building and several of the antennas at a location on the property further removed from the highway. Specifications for the new building have been completed, and we are now soliciting bids for construction.

The land which the Fort Lauderdale Monitoring Station occupies and the surrounding area was relatively undeveloped agricultural land when the station was built in 1947. Rapid development in the past few decades has transformed the surrounding area into an affluent suburbia and prime broadcast audience market.

The Commission, for many years, has placed restrictions on licensees in all radio services regarding the maximum amount of radio signal field strength they can transmit over each of our monitoring stations. This is necessary to protect the sensitive receiving equipment from overload due to strong signals which would prevent reception of the weaker signals we are attempting to monitor and direction find, including emergency or distress calls from ships and aircraft. Unfortunately, it also sometimes prevents broad-

¹ A direction finding baseline is the geographical distance between any two direction finding stations which can hear a given target signal. For a long range system designed to pinpoint signals anywhere in the world, the baselines must be as long as possible because greatest accuracy is obtained when the baseline distances approach the distance to the target signal.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3971

casters from being able to reach the greatest possible audience.

The broadcasting community in South Florida has approached the Commission several times in the past few years regarding the possibility of moving the monitoring station out of the more developed Fort Lauderdale area of South Florida. However, the Commission does not presently have funding in its appropriation for such a move. Estimated costs of such a relocation would be on the order of four million dollars, depending upon the site. Aside from the funding problem, no fully suitable alternative sites had been identified until recently.

As a result of a June 1984 meeting with six South Florida Congressmen (including yourself), FCC staff, and several South Florida broadcasters, a task force was formed to identify possible alternate sites. A site that meets Commission requirements has been found near Vero Beach. The enclosed map shows the location of this property. In the meantime, a firm offer has been made to purchase the present Fort Lauderdale Monitoring Station property for 6.8 million dollars.

Therefore, it now appears that the government can acquire property and construct a new monitoring station near Vero Beach for approximately 4 million dollars and sell the present property for 6.8 million dollars, producing a net gain for the Federal Government of nearly 3 million dollars.

The Commission fully supports relocating the South Florida monitoring station to the Vero Beach site. Such a move, due to the less developed conditions in that area, would enhance the overall effectiveness of the Commission's nationwide radio direction finding network. However, without an absolute assurance that the required authorization and appropriations will be provided for this move, it is necessary for us to continue our plans to construct a new building at our current location. Once funding is provided, it will take up to two years to complete a move to the new location. If we do not continue with our present schedule and the road construction is completed before the new building is finished, we run the serious risk of adversely affecting our vital monitoring capability due to the increased level of vehicular ignition noise.

We appreciate your interest and assistance in this matter. If I can be of any further help, please do not hesitate to contact either me or Commission staff members involved.

Sincerely,

MARK S. FOWLER,
Chairman.

Mr. DINGELL. Mr. Chairman, the function of the legislation here would be to authorize movement of a Federal facility. The Committee on Energy and Commerce has not considered this matter and we are much troubled about the consequences of this, particularly from several standpoints. First we are troubled that we cannot ascertain for sure how the movement of the facility can be accomplished with FCC funds without terminating, deferring, or changing FCC programs. We are also troubled that regulatory activities or other matters before that agency might be adversely affected. We are concerned about the impact of the language of the bill on FCC employees. The function of the amendment is to take into consideration the desirable concerns of the very able gentleman from Florida and at the same time to deal with the questions

that we feel are important and should be considered as matters in an appropriate legislative format and proceeding.

□ 1350

The amendment will prevent a number of possibilities that are troublesome, particularly adverse impact on FCC programs; on employees, and on a number of projects which might be terminated or otherwise affected at FCC.

It is our hope that the committee will accept the amendment, and that the very able gentleman from Florida, for whom I have the greatest respect, will find it possible to find our suggestions acceptable in terms of addressing the concerns that he might have and at the same time keeping in mind the concerns that the Committee on Energy and Commerce would have.

I am delighted to yield from my friend from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding, and I want to commend the gentleman for his cooperative spirit and his ability to find a way out of what was obviously an existing problem for the authorizing committee.

I want to thank him also for the spirit in which he has allowed this to operate when I spoke and dealt with the chairman of the subcommittee that has original jurisdiction on this matter, together with the staff.

I just want to say that I hope as well that this committee will accept the amendment, because I feel it deals with the problems, and I would like to say and I probably will have to seek my own time to let the committee understand why we are doing it on this basis, that this will take care of the concerns raised but also it will allow us to move forward with the project, which would otherwise cost a great deal more money, and that the chairman of the full committee, Mr. DINGELL from Michigan, who has been so cooperative I think understands the value of the project, notwithstanding the fact that technically there might be other ways that he would like to do this, but also that proceeding in this fashion does not authorize any new money; nor does it authorize a new project or a new FCC station, and in addition will have the ultimate effect of saving the Government between \$3 and \$4 million recoupment to the Treasury on the difference between the land which is going to be sold from the old FCC station and the new land which is going to be the site of the new FCC station.

I would hope that this committee, and I would seek my own time and I want to yield back the balance of the gentleman's time, would allow me to explain, so that possibly Mr. WALKER may reconsider and withdraw his reservation.

I thank, again, the gentleman who has been so cooperative and does such a fine job for the FCC.

Mr. DINGELL. I thank the gentleman.

I yield to the distinguished gentleman from Iowa.

Mr. SMITH of Iowa. I want to say to the gentleman, as chairman of the subcommittee that handled this matter, I had agreed not to fight this amendment, but at that time I did not know the gentleman would come in here on crutches.

Mr. DINGELL. Well, the odds are always, I would observe, against the gentleman from Michigan when I contend with the gentleman from Iowa.

Mr. SMITH of Iowa. Nevertheless, I do think the gentleman's amendment clarifies the provision in the bill. I want to assure him that we had no intention at any time of crippling the FCC in any of their other operations. What we were trying to do with the provision we put in the bill was just a commonsense approach to earn \$2.5 million for the Government and at the same time let the FCC move to a location that they agree would be a better location. Relocating the Fort Lauderdale Monitoring Station would just be better for everybody concerned, and we are just trying to be accommodating.

Mr. DINGELL. And if the gentleman would permit, without additional cost to the Government.

Mr. SMITH of Iowa. Actually, the relocation was estimated to earn at least \$2.5 million for the Government.

Instead of staying on the present site and building another facility, they can sell the site and the facility for more than they cost to buy a site that is better than the present one, build a new facility, and have \$2.5 million left.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to pursue his point or order?

Mr. WALKER. Yes, Mr. Chairman, I do.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to further reserve his point or order?

Mr. WALKER. Mr. Chairman, I further reserve my point of order.

The CHAIRMAN. The gentleman from Massachusetts is seeking recognition?

Mr. CONTE. I rise in support of the amendment, and I yield to my good friend from Illinois.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. O'BRIEN. I thank the gentleman for yielding, and in addition to the sympathy generated by the crutches, I am inclined to think that there is a certain degree of practicality to this amendment that recommends that we pass it irrespective of the susceptibility of the matter to a point of order.

I support it, and yield back the balance of my time.

Mr. CONTE. I yield back the balance of my time.

H 3972

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

The CHAIRMAN. Does the gentleman from Pennsylvania now wish to renew his point of order?

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the amendment; that it is a violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Michigan [Mr. DINGELL] desire to be heard on the point of order?

Mr. DINGELL. The gentleman concedes the point of order.

The CHAIRMAN. The gentleman concedes the point of order and the amendment of the gentleman from Michigan is out of order.

The Clerk will read.

The Clerk read as follows:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The Federal Communications Commission is authorized to expend such funds as may be required in fiscal years 1986 and 1987 out of appropriations for fiscal years 1986 and 1987 for the Federal Communications Commission, not to exceed \$5,000,000, to relocate its Fort Lauderdale, Florida, Monitoring Station within the State of Florida, to include all necessary expenses such as options to purchase land, acquisition of land, lease-back of the present monitoring station pending acquisition and construction of a new monitoring station, architectural and engineering services, construction of a new monitoring station and related facilities, moving expenses, and all other costs associated with the relocation of the monitoring station and personnel.

The CHAIRMAN. Does the gentleman from Michigan wish to raise a point of order at this point?

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I have a point of order at this point.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I make the point of order that the provisions of the paragraph starting at line 7 down through line 21 at page 10 is violative of rule XXI, clause 2, in that it constitutes legislation in an appropriation bill.

The CHAIRMAN. Does anyone else desire to be heard on the point of order?

The Chair is prepared to rule.

The gentleman's point of order is well taken, and the Chair sustains the point of order, and that paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

The Federal Communications Commission shall promptly declare the present monitoring station (including land and structures which will not be relocated) excess to the General Services Administration for disposition. The General Services Administration shall sell such property and structures on an expedited basis, including provisions for lease-back as required, and shall compensate the Commission from the proceeds of the sale all costs associated with the relocation of the Fort Lauderdale Monitoring Station to another location, not to exceed \$5,000,000.

POINTS OF ORDER

Mr. DINGELL. Mr. Chairman, I have a point of order on the paragraph at lines 22, page 10 through line 6, page 11.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I make the point of order that this is violative of the provisions of rule XXI, clause 2, in that it constitutes legislation in an appropriation bill.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

The Chair is prepared to rule. The gentleman's point of order is sustained.

Mr. CONTE. Mr. Chairman, I ask unanimous consent that the rest of the section be considered as read printed in the RECORD, and open to amendment at any point.

Mr. DINGELL. Mr. Chairman, reserving a point of order against the next two paragraphs, as long as my right so to do is protected, I will not object.

The CHAIRMAN. The point of order is sustained against this paragraph.

The Clerk will read the next paragraph.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I make points of order against the paragraph at lines 7 through 13, lines 14 through 18 at page 11, on grounds that those paragraphs also constitute legislation in an appropriations bill.

The CHAIRMAN. In accordance with the request of the gentleman from Massachusetts [Mr. CONTE] the paragraphs are considered as read.

The Chair will entertain the point of order raised by the gentleman from Michigan.

The Clerk will read.

The Clerk read as follows:

Any excess funds received by the General Services Administration from the sale of the present property, less any funds reimbursed to the Federal Communications Commission, and less normal and reasonable charges by the General Services Administration for costs associated with the sale of the present property, shall be deposited to the general fund of the Treasury.

The authority under this Act with respect to the relocation of the Fort Lauderdale Monitoring Station shall (1) extend through fiscal year 1987, and (2) be in addition to any limits on expenditures for land and structures specified in the Commission's appropriation for fiscal years 1986 and 1987.

Does anyone else desire to be heard on the point of order?

Mr. DINGELL. Merely, Mr. Chairman, that these two paragraphs do constitute legislation in an appropriations bill, violating clause 2 of rule XXI.

The CHAIRMAN. The gentleman is correct, in the opinion of the Chair. The point of order is sustained, the paragraphs are stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$3,811,000, to remain available until September 30, 1986.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, \$27,601,000 are rescinded.

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business Loan and Investment Fund", \$27,601,000, to remain available without fiscal year limitation.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, \$166,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

WORKING CAPITAL FUND

(RESCISSION)

All funds made available under this head in Public Law 98-411 are rescinded.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$100,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses, general legal activities", \$874,000.

Of available funds under this head, \$470,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

SALARIES AND EXPENSES, ANTITRUST DIVISION

(RESCISSION)

Of available funds under this head, \$65,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses, United States attorneys and marshals", \$11,003,000, of which \$2,065,000 shall remain available until September 30, 1986.

POINT OF ORDER

Mr. KASTENMEIER. Mr. Chairman, I make a point of order against that part of the paragraph on page 13, lines 17 to 20. The cited language is in violation of House Rule XXI, clause 2(a), which provides that no appropriation be reported in any general appropriation bill for any expenditure not previously authorized by law.

The CHAIRMAN. Does anyone else care to be heard on the point of order?

If not, the Chair is prepared to rule.

The point of order is well taken; the Chair sustains the point of order, and the paragraph is stricken.

The Clerk will read.

The Clerk read as follows:

Of available funds under this head, \$889,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3973

SUPPORT OF UNITED STATES PRISONERS

In Public Law 98-411 delete the appropriation language under the heading "Support of United States Prisoners" and substitute the following:

For support of United States prisoners in non-Federal institutions, \$53,240,000; and in addition, \$10,000,000 shall be available under the Cooperative Agreement Program for the purposes of renovating, constructing, and equipping State and local correctional facilities: *Provided*, That amounts made available for constructing any local correctional facility shall not exceed the cost of constructing space for the average Federal prisoner population to be housed in the facility, or in other facilities in the same correctional system, as projected by the Attorney General: *Provided further*, That following agreement on or completion of any federally assisted correctional facility construction, the availability of the space acquired for Federal prisoners with these Federal funds shall be assured and the per diem rate charged for housing Federal prisoners in the assured space shall not exceed operating costs for the period of time specified in the cooperative agreement.

FEES AND EXPENSES OF WITNESSES
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Fees and expenses of witnesses", \$1,300,000, and in addition, \$1,500,000 to be derived by transfer from the Support of United States Prisoners: *Provided*, That of the amount appropriated under the above head for fiscal year 1985, not to exceed \$850,000 shall be available for planning, construction, renovation, and repair of buildings for protected witness facilities.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524, as amended by the Comprehensive Forfeiture Act of 1984, such sums as may be necessary to be derived from the Department of Justice Assets Forfeiture Fund: *Provided*, That in the aggregate, not to exceed \$5,000,000 shall be available for expenses authorized by subsections (c)(1)(B), (c)(1)(E), and (c)(1)(F) of that section.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE
(RESCISSION)

Of available funds under this head, \$43,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For an additional amount for "Organized Crime Drug Enforcement", \$635,000.

□ 1400

POINT OF ORDER

Mr. EDWARDS of California. Mr. Chairman, I make a point of order against that part of the paragraph on page 16, lines 4 and 5. The cited language is in violation of House Rule XXI, clause 2.

The CHAIRMAN. Will the gentleman permit the Clerk to read that paragraph?

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES
(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", \$2,900,000, to remain available until September 30, 1986: *Provided*, That \$10,000,000 provided in Public Law 98-166 for the relocation of the Washington field office within the District of Columbia shall remain available until expended.

Of available funds under this head, \$3,505,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

The CHAIRMAN. The gentleman from California [Mr. EDWARDS], raises a point of order against this paragraph.

Mr. EDWARDS of California. That is correct, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. EDWARDS of California. Mr. Chairman, the cited language is in violation of House Rule XXI, clause 2(a), which provides that no appropriation shall be reported in any general appropriation bill for any expenditure not previously authorized by law.

The CHAIRMAN. Does any other Member care to be heard on the point of order?

If not, the Chair is prepared to rule. The point of order is well taken, and the Chair sustains the point of order. The paragraph will be stricken.

The Clerk will read.

PARLIAMENTARY INQUIRY

Mr. SMITH of Iowa. Mr. Chairman, I have a parliamentary inquiry.

What was just stricken? We are not clear about which lines were stricken. Was it just lines 4 and 5?

The CHAIRMAN. The Chair will inform the gentleman that lines 4 through 8 were stricken, the entire paragraph.

Mr. SMITH of Iowa. Mr. Chairman, I think the point of order was against lines 4 and 5.

I ask unanimous consent that we return to that paragraph.

The CHAIRMAN. The Chair was in error on that. It is only lines 4 and 5 that were stricken.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, do I now understand that we struck the \$2.9 million for the antiterrorism program but that we did not strike the \$10 million for the relocation of the Washington field office?

The CHAIRMAN. The point of order did not cover the provisions of lines 6 through 8. The Chair is going to ask the Clerk to reread that portion of the paragraph.

The Clerk read as follows:

Provided, That \$10,000,000 provided in Public Law 98-166 for the relocation of the Washington field office within the District of Columbia shall remain available until expended.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section of the bill on page 16, lines 6 through 8, that this constitutes an appropriation without appropriate authorization.

The CHAIRMAN. Does any other Member desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, this is a reappropriation. I do not believe that point of order would lie.

The CHAIRMAN. The Chair is not aware of any provision of Public Law 98-166 that requires these funds to be available until expended.

Can the gentleman give a citation to that effect?

Mr. SMITH of Iowa. Mr. Chairman, I would say that it is correct that that law does not require that they remain available until expended. The rest of it, however, it a reappropriation.

The CHAIRMAN. Nevertheless, the Chair supports the point of order and rules that it is legislation on an appropriation bill, and that portion of the paragraph will be stricken.

The Clerk will read.

The Clerk read as follows:

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES
(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", \$3,300,000.

Of available funds under this head, \$876,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

IMMIGRATION AND NATURALIZATION SERVICE
SALARIES AND EXPENSES
(INCLUDING RESCISSION)

The appropriation under the heading "Salaries and expenses" in Public Law 98-411 is amended by inserting the following before "": *Provided*: "and of which not to exceed \$6,586,000 for construction shall remain available until expended".

Of available funds under this head, \$947,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

For an additional amount for "Salaries and expenses", Federal Prison System, \$900,000, and in addition, \$2,183,000 to be derived by transfer from "Support of United States Prisoners".

Of available funds under this head, \$451,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

BUILDINGS AND FACILITIES
(RESCISSION)

Of available funds under this head, \$13,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

OFFICE OF JUSTICE PROGRAMS
JUSTICE ASSISTANCE

Of the unobligated funds available under the "Justice assistance" account for the Juvenile Justice and Delinquency Prevention Act, \$800,000 shall be made available for Emergency Federal Law Enforcement Assistance authorized by Public Law 98-473, notwithstanding the provisions of sections 222(b), 223(b), and 228(e) of title I of the Juvenile Justice and Delinquency Prevention Act, as amended.

AMENDMENT OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BREAUX: On Page 18, line 4, after the period, insert:

H 3974

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation" for a grant for the establishment of the Gillis W. Long Poverty Law Center at the Loyola University School of Law in New Orleans \$4,000,000 to remain available until expended.

Mr. BREAU. Mr. Chairman, and my colleagues, it is a rare opportunity indeed when we have occasion to honor one of our departed colleagues after having served this body and this institution and this country for a number of years, outstandingly I might add, by approving a project which also serves not only the memory of our colleague, Gillis Long in this case, but also serves a real need, that being the poor of the United States of America.

The money that is being appropriated in this bill will go toward establishing the Gillis W. Long Poverty Law Center at Loyola University in Louisiana. Loyola University has already purchased a physical plant as a facility for the sum of nearly \$11.9 million. In addition, it is going to take about an additional \$8 million to complete the facility, to complete construction and to complete the library and educational equipment, as well as the renovation to the facility.

Loyola has also embarked upon a fund-raising drive and there is allocated from the university an additional \$2 million over and above the purchase cost of \$11.9 million. The university has established a fund-raising effort to provide additional funds. This is a one-time \$4 million grant which will provide for the funding of the renovation of the law school facilities.

It is important to note that the Government and the people of the United States, in addition to honoring the memory of our departed colleague, will get something very substantial and very tangible, and that is at least 160,000 legal service hours of work being contributed by the students and by the lawyers at the university toward working on programs that would benefit the poor not only of Louisiana but, of course, throughout the entire Nation.

Under this formula, the one-time Federal grant of \$4 million would produce a favorable in-kind reimbursement period of less than 5 academic years, as I have just outlined for the benefit of our Members.

So, Mr. Chairman and Members, I would ask support for this amendment. I think it is only appropriate, in the sense that it can be justifiable from an expenditure standpoint, but, as I have indicated, it is not very often that we get the opportunity, to honor a departed colleague for the work that he has done while he was here and at the same time really make a very positive contribution to the practice of law and to the defense of people who for so long have not been adequately defended.

Mr. O'BRIEN. Will the gentleman yield?

Mr. BREAU. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

Mr. Chairman, in addition to the benefits and substance of the amendment, it is entirely proper, it seems to me that we do this in memory of a highly honored and distinguished Member of this body who did nothing but bring credit to the rest of us.

Mr. BREAU. I thank the gentleman for his comments. It is certainly my privilege and pleasure to offer the amendment and also to have our former colleague's wife with us, Mrs. CATHY LONG, who now sits with us as a Member of this distinguished body, also supporting this legislation.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. BREAU. I yield to the gentleman from Louisiana.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman on his statement and I am pleased to have the opportunity to join my fellow Louisianians in supporting this amendment to help fund the Gillis W. Long Poverty Law Center at Loyola University in New Orleans.

Throughout his life, our departed colleague, Gillis Long, always displayed great concern and compassion for the underprivileged of our Nation. Although we were of different political and philosophical persuasions, both he and I, as former practicing attorneys, were aware of the need for the availability of adequate legal services for the less affluent as well as for those more fortunate. Therefore, I am pleased that Loyola University has provided an opportunity to honor Gillis' memory by directly assisting the poor and elderly of Louisiana with their legal needs.

This amendment, which provides \$4 million in seed money to Loyola University to establish the Gillis Long Poverty Center, will go a long way in assisting the needy and elderly by allowing law students and practitioners to provide quality legal services at no cost to the recipient.

Loyola University is already working with the American Bar Association, the Louisiana Bar Association, and the New Orleans Bar Association to promote the active involvement of private lawyers in providing pro bono services to the poor. In addition, Loyola has established a well deserved reputation for assisting the New Orleans community by providing legal services to many in the area through their well organized and effectively operating law clinic.

Through this program, third year law students are given the opportunity to serve clients and hone their legal skills by providing supervised legal

services to needy clients on a regular basis. The additional funds provided in this amendment will enable Loyola to significantly expand these current operations.

As a representative of the greater New Orleans area I hope the House will support this funding to honor Gillis by allowing Loyola to expand its facilities and its legal services beyond the New Orleans area to the rest of the State and to the Eighth District of Louisiana which Gillis' widow, and our colleague, CATHY LONG now represents. Meeting the legal assistance needs of the rural residents and rural poor of Louisiana will be a most fitting tribute to Gillis who devoted decades of service to the poor.

□ 1410

Mrs. BOGGS. Mr. Chairman, I rise in support of the amendment.

(Mrs. BOGGS asked and was given permission to revise and extend her remarks.)

Mrs. BOGGS. Mr. Chairman, as one who has worked with this project since its inception and as a cosponsor of the gentleman's amendment, there are several points regarding the intent of this amendment establishing the Gillis W. Long Poverty Law Center that should be clarified.

It is the intent of the sponsors of the amendment that the Long Poverty Law Center will act as a demonstration and dissemination project in the development and dissemination of student educational materials, continuing legal education materials, and other printed and video materials developed to train both students and practitioners alike in the provision of legal services to Legal Services Corporation eligible clients.

To accomplish this, it is my understanding that the Loyola University School of Law will produce a variety of skills development video tapes and booklets as well as specific training and legal manuals for clinic students and pro bono private attorneys to assist in the provision of quality services to clients on a national basis. In addition, the university, under the auspices of the Gillis W. Long Poverty Law Center, will regularly conduct continuing legal education seminars which will be taped for national distribution to universities and State and local bar associations.

Another intent of the sponsors is that this grant be restricted to LSC eligible clients and LSC legal issues, that is civil law. It is my understanding that Loyola University has agreed to guarantee that intake and counseling will be given to all potential clients and a determination will be made as to the eligibility of the client in terms of financial and case eligibility prior to providing any legal services. Any clients served in areas of non civil law; that is criminal law, who do not meet the LSC financial guidelines will be

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3975

served only at the University's expense.

This grant from the Legal Services Corporation to fund the Gillis W. Long Poverty Law Center should be maintained in a separate and unique account by the recipient. Only activities which meet the program and funding criteria established by the Corporation would be funded through this account. All other activities, such as criminal legal representation, should be funded through the School of Law's University-provided funds.

LSC regulations establish certain fund balance restrictions for the expenditure of grants. It is not the intent of the sponsors of this amendment that the grant herein authorized be subject to such limitation. Rather, it is our intent that these funds be expended over a multiyear period.

Finally, it is not the intent of the sponsors of this amendment that the grant herein authorized in any way effect the funding of Legal Services Corporation providers in Louisiana, that is, these funds would not be considered in the allocation of census-based funds to the State.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sympathetic with the purpose of this amendment. I do want to point out, however, that we have had a law school, at least one in Iowa, that has been doing this for 4 or 5 years, and I do not think we should in colloquies here decide the parameters and limitations that they are going to operate under. That is something that we will have to decide in a more legislative way. We will do that in conference or before we get this bill out of conference.

I think that the purpose is obviously a good purpose; I am very sympathetic to it, but I think that we should realize that the rules under which the grant would be made will be determined either in the legislation adopted in conference or the report of the managers.

Mrs. LONG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the members of the Rules Committee, especially Chairman PEPPER, for making it possible for this amendment to be offered today. I also want to thank my dear friends LINDY BOGGS and JOHN BREUX, and the entire Louisiana delegation, for all their hard work in bringing this important matter before the House.

The Poverty Law Center, at Loyola University in New Orleans, which was dedicated in the memory of my husband, Gillis, will be an extremely valuable educational institution. The center will train young lawyers how best to help those least able to help themselves in our society. It is so fitting that such an institution should bear the name of Gillis W. Long, whose primary commitment through-

out his career was to serve the less fortunate among us.

The Gillis W. Long Poverty Law Center, with the help of the funding being requested today, will provide both clinical education and community service. Law students will be trained in the legal disciplines which are of special importance to the poor—civil rights, elderly law, family law, housing and equal employment rights, and entitlements. As seniors, students will provide legal services to the poor. In addition, through the center's continuing legal education and pro bono advocacy and coordination activities, thousands of free or reduced fee client hours will be provided to Louisiana's poor.

Mr. Chairman, I commend Loyola University for its outstanding record of community service, and am confident that the Long Poverty Law Center will help to expand the range of desperately needed services available to those in need. I ask that my colleagues join me in supporting this worthy effort.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the amendment that has been offered by the ranking Member of the Louisiana delegation and the gentlewoman from Louisiana.

As one who came into this body under the tutelage of Gillis Long, I believe that this measure is particularly important, and particularly appropriate. Gillis Long was an American and a Member of this House who was committed to people; committed to the poor; committed to the young; committed to students; committed to education, and most of all, committed to justice for all Americans and all people.

In that sense, we could, perhaps, take no more appropriate action, and Loyola could take no more appropriate action than naming in the honor of Gillis Long their Poverty Law Center.

Mr. Chairman, I would hope that we would adopt this unanimously. Not only as has been so ably stated by the gentlewoman from Louisiana and the dean of the Louisiana delegation, in honor of Gillis Long, but as importantly, in honor of the values and principles for which Gillis Long fought his entire life.

I am pleased, Mr. Chairman, to rise in strong support of this amendment.

□ 1420

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BEVILL asked and was given permission to revise and extend his remarks.)

Mr. BEVILL. Mr. Chairman, I rise in support of this amendment. I think it is very appropriate to honor our distinguished colleague, Gillis Long, who was such a great American and an outstanding Member of this body.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Chairman, I strongly support this amendment.

I knew Gillis Long from the time he first came to the Congress, and appeared before him at the Committee on Rules many, many times with my chairman, JAMIE WHITTEN. He was always a true gentleman, and he always did his homework. He knew the issues that came before the Rules Committee, and he knew them well. But above all, he loved and served his district and he loved and served the people of the State of Louisiana.

He was a great friend and he will be sorely missed. This is a great tribute to him and I am pleased to support this amendment.

● Mr. BIAGGI. Mr. Chairman, I rise to lend my full support for the Breux amendment which would establish the Gillis Long Poverty Center at Loyola University School of Law in New Orleans, LA.

I can think of no more fitting, appropriate, or meaningful tribute we could pay to our late and distinguished colleague than to designate this center in the city and State he loved so dearly and to which he gave so many years of his life in public service.

For those of us who served with Gillis, we know that the House of Representatives is a lesser institution since the passing of Gillis Long. We lost one of our most dedicated and effective Members with his untimely passing. We lost a colleague who was renowned for his commitment to helping the poor, disadvantaged, and the elderly. These are the same people who would be served by those who would attend the Gillis Long Center.

As we proceed with this amendment, let us remember who it is we honor with it. We honor a great man and public servant. We honor a good friend to so many of us. We pay tribute in a tangible fashion to those causes that Gillis championed so well in his career in this House. To his widow and successor in the House, CATHY, I am honored to support this amendment which brings justice to this House by acknowledging one of our most able colleagues. ●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. BREUX].

The amendment was agreed to.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I waited until we have finished with that last amendment because I did not want my words to suggest that Members ought not to vote for it. But I am reminded that just before we authorized \$4 million for that worthy cause we knocked out on points of order, \$2.9 million of addi-

tional salaries and expenses for the Federal Bureau of Investigation, which is a request by the administration to have the domestic antiterrorism project go forward and just prior to that we sustained a point of order which knocked out the increase for U.S. attorneys.

Now, some people say why should we be increasing funds in a supplemental in those areas?

Last year on this floor, in a frenzy to make sure that we all got in front of the crime issue before the elections, we passed, after traveling a rather circuitous route, the largest crime package in the history of the United States. We authorized in a bankruptcy bill an addition of 85 judgeships around this country.

The fact of the matter is, if we are going to have 85 new judges, if we are going to have a significantly expanded Federal law enforcement operation, and if we are going to have an expanded domestic antiterrorism project in this country, and we are going to man it, it is going to cost money. But we just blithely had points of order, which were certainly appropriate under the rules, and knocked those figures out. Then we rush to another amendment to appropriate \$4 million for a study project in memory of one of our departed Members.

I would just suggest that at some point in time we ought to establish priorities. Fighting crime is more than talking about it on the floor. Fighting crime is more than pointing your finger at the administration and saying they are not doing enough. Fighting crime is more than saying we need additional personnel. Fighting crime is more than complaining that the administration is not putting enough white-collar criminals behind bars. Fighting crime is more than complaining that what we are doing is giving light sentences out to Federal offenders because we do not have enough U.S. attorneys available to prosecute those cases.

Fighting crime is more than establishing a new parole law which requires new personnel in order to enforce it, and then not furnishing that new personnel or the wherewithal to proceed.

So maybe we followed the rules. Those additions have not been authorized by the Committee on the Judiciary, of which I am a member, and so we have made sure that that waiver was not appropriate. Yet it just seems, strange to me, in a week when our newspapers and our nightly newscasts are filled with questions about domestic sabotage and espionage and terrorism, we have made sure that we have kept a tidy package here by not allowing funds to go forward because they have not been authorized by that committee.

It bothers me very deeply, because crime is an important question. The need for U.S. attorneys is absolutely there, it is proven. The need for addi-

tional personnel to assist and beef up the FBI is there. And as much as I will rail about increases in other areas in a supplemental, if we are going to put these other increases forward, then we ought to be very, very serious about what our priorities are.

Mr. EARLY. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from Massachusetts.

Mr. EARLY. I thank the gentleman for yielding.

Mr. Chairman, I could not agree with the gentleman more. We just struck \$2.9 million from domestic terrorism, to me one of the gravest threats we have upon this country. We are going to have to wait until the instance occurs, and then we are going to correct it rather than prevent it.

The gentleman was wrong when he suggested that it was an increase. The FBI has spent this much money in 1982, 1983, and 1984, despite the fact that this Congress has not given them the money. They have transferred it from other areas, from drugs and narcotics, from white-collar crime, but the Judiciary authorizing committee that does not come forward with a bill and makes this happen year in and year out certainly, to me, is very discouraging.

We just recently had an arrest in domestic terrorism in which we have 30 groups parading in this country on the left and on the right, very radical groups, doing this and doing that. We just had a group that was arrested this past week in which, in her apartment, the FBI seized files of a self-proclaimed revolution containing detailed plans to bomb areas of the Old Executive Office Building in the White House complex, and also to bomb several other Federal buildings, the particular group that blew up the U.S. Senate, and we are going to strike that money on an ego trip. I certainly agree with the gentleman.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. LUNGREN was allowed to proceed for 2 additional minutes.)

Mr. LUNGREN. I thank the gentleman for his remarks. It is not my intention to point the finger at one committee or the other in this. My concern is that following the procedures that we have here, a point of order was sustained. It was offered, in the first place, and then sustained, and thereby had the effect of which the gentleman speaks.

It bothers me very deeply at a time when we have a unique, acute problem with respect to domestic terrorism, when we have problems with respect to domestic espionage, when we have problems with respect to white-collar crime, when we pass legislation that is supposed to deal with these things we do not then come along and do our

duty and pass the funds that are necessary and create the positions that are necessary to enforce it.

We are creating paper tigers here in the area of law enforcement. We have had a lot of bombs thrown here by Members on both sides of the aisle at this and other administrations for not doing enough. But here as we go blithely through our job in making sure we take care of water projects and other things, we forget about this. I just cannot understand it. To me, it is absolutely unconscionable.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I do want to point out that it was a very targeted point of order as well, because under this section, what was done was the antiterrorism program was stricken, despite the fact that there was a provision right next to that that was also eligible to be stricken from the bill which provided for a new building.

So the sense of priorities was that we were going to get rid of the terrorism program and keep the new building. I rose and made the point of order against the new building, too, but I must tell the gentleman that when the point of order was made against the terrorism program, it was a very targeted one. It was not because we were worried about all of the expenses of the FBI building. We were perfectly willing to give them a new building, but strike out the antiterrorism program, and I agree with the gentleman. That sense of priorities is a little disturbing.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from California and the gentleman from Massachusetts, my good friend, Mr. EARLY, for these observations.

This is not the first time this has happened. Let me go back to last year. It was during the recommittal motion on the continuing resolution that I teamed up with the gentleman from California and got the crime bill added to that resolution.

But the Committee on Appropriations is getting penalized time and time again. I am sorry to say my good friend from Pennsylvania [Mr. WALKER] is part and parcel of it because he raises a lot of these points of order. We do not like to put authorizations and legislation in appropriations bills, but the legislative committees are not doing their work. They are not reporting their bills. If they had reported out an authorization bill for the Department of Justice, then a point of order would not lie against this funding to combat domestic terrorism. Mind you, we are going to have

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3977

a lot of this coming up. We have 13 appropriation bills waiting in the wings to come on the floor of the House, and I do not know of many authorization bills that have passed the House this year. We have been dragging our feet, as you know. We got the budget resolution through, and a few other little things, but very few authorization bills.

Yet we are going to have to try to do our work, to bring our appropriation bills out here, and the authorizing committees are going to be raising points of order on essential items, like this domestic terrorism. It really is a crime to take that out of here.

□ 1430

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, as a member of one of the authorizing committees, I understand the reluctance to allow the Appropriations Committee to go beyond what we have done. But in this case it just seems to me that when there would be a consensus on this, without any doubt we ought to enforce what we passed last year with manpower and money. Yet when we understand that there is a severe need to try to combat domestic terrorism, we still do not make any exception. We made all sorts of exceptions in the rule that we passed earlier today, we waived all sorts of points of order, but for some reason these points of order were allowed to remain. I do not understand it.

It just seems to me that it would be awfully difficult to go back home and explain why we have some of these things in here and why certain amendments are being brought forward, but yet we cannot spend the time to find \$2.9 million for an antiterrorism campaign. One would think that would be the first thing we would want to do here. But we cannot spend the time to have enough prosecutors to enforce the law we have passed. We are having light sentences that are carried out right now because we do not have enough prosecutors. If we do not prosecute the cases within the time required, those people go free. That is just unconscionable, and it is the responsibility of this House.

Mr. Chairman, I want to thank the gentleman for his work. It is not a partisan matter. This is bipartisan. It is something we should have taken care of, and we ought to take care of it as soon as we can.

Mr. CONTE. Mr. Chairman, I will tell the gentleman a little secret. We are going to work like heck with the Senate to put this back in. We will be in that conference.

Mr. LUNGREN. If you do not tell anybody, I will not tell anybody.

Mr. CONTE. Let us not tell anybody. We will protect it. We will get it in there. They just won the battle, but they will not win the war.

Mr. SMITH of Iowa. Mr. Chairman. I move to strike the last word.

Let someone might misunderstand the record here, let me point out that the Appropriations Committee and the subcommittee I am privileged to chair are in no way whatever responsible for what the gentleman is complaining about. To start with, there would not even have been a comprehensive crime bill if there had not been a section added to our appropriations bill last year. That 600-page crime bill was passed as a part of the continuing resolution on appropriations last fall.

Now, we do not like to be in this position. The subcommittee I chair brought to the floor more than is authorized even though it was less than the administration requested. We held the hearings. But we do work with the Judiciary Committee, and actually we included in this bill, as the gentlemen can see, more than was protected under the rule because they permitted striking out some of the funding we included.

With regard to the statement of the gentleman from Pennsylvania, if I might have his attention, with regard to the striking of the particular part of that paragraph but not the rest, I might point out that there are a number of places in this bill where our subcommittee has made money available into the next fiscal year. It does not change the amount of money available in the case of the field office being moved. That money is still going to be available, but if we do not have those other words extending the availability for a year, they have to spend it by the 1st of October, and that is not a very efficient way for them to proceed. They would be better off if they had the extra time down there at the Washington field office to make their relocation.

That is the reason why in this bill we have in several instances included the authority to give them some extra time in those instances where it would be better for them to have extra time instead of trying to rush out and spend the money by the 1st of October. It does not change the amount of money available. It just means they will have an opportunity to use the money more efficiently.

So I just want to make clear in the record that we are trying to work with the Judiciary Committee, and the appropriations subcommittee is doing all we can to provide for these needs the gentleman from California mentioned.

Mr. BROYHILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise with the intent of asking the gentleman from Michigan [Mr. CARR] if he could share with me some of the committee's intent with respect to language found on page 27 in the committee report that is spelling out the intent of the committee with respect to the Federal Communications Commission's authority to approve additional Interna-

tional Satellite Communication services.

I share with the gentleman from Michigan his view that our Government should comply with the requirements that have been imposed on it by Presidential Determination No. 85-2, as well as those requirements that we have under the Intelsat agreement. However, I am concerned about whether it is necessary or wise to impose significant additional requirements on our Government.

My concern about this report language accompanying the bill is that it may be ambiguous, and it could be read to impose burdensome new requirements on our Government that are not necessary to protect any public policy.

I wonder if the gentleman would share with us his views and be willing to clarify this language so we can be sure that it does not impose substantial and time-consuming new requirements on our Government or on agencies of our Government.

Mr. CARR. Mr. Chairman, if the gentleman will yield, I would be most happy to listen to the gentleman's concerns and to clarify the meaning of the report language.

Mr. BROYHILL. I thank the gentleman.

Mr. Chairman, on the one hand, this report language purports to codify the timing for the issuance of permits that are specified in Presidential Determination No. 85-2, even though we recognize that that determination that was made by the President says nothing about the timing for the issuance of those permits. On the other hand, the report language could be read to prohibit the FCC from issuing any kind of permit unless the Secretary of State has found that the Intelsat coordination process has been completed.

Mr. Chairman, I am asking if the gentleman could clarify this report language as it relates to the timing of the issuance of permits.

Mr. CARR. Mr. Chairman, I would be most happy to do so.

Our committee does not intend to oppose the FCC issuing a limited kind of permit prior to the initiating of coordination. In fact, we recognize that the failure to permit the issuance of a permit in advance of coordination might permanently frustrate the development of competition if H.R. 2068 becomes law as it has passed the House last month.

Under section 128(b)(2) of that bill, the U.S. Government may not begin coordination with Intelsat until at least one foreign authority has entered into an operating agreement with an applicant. Our committee understands that foreign authorities might refuse to enter into such agreements with an applicant until the FCC has issued that applicant some kind of permit enumerating their qualifications.

H 3978

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

While the committee has no objection to the FCC issuing a permit prior to the initiation of coordination, our committee does believe that permits should explicitly preclude permittees from expending substantial financial resources on the construction or purchase of satellites and satellite equipment, ground link equipment, prior to the time that the Secretary of State advises the FCC that Intelsat coordination has been completed.

A bar is necessary, in our view, on the expenditure of substantial resources on construction or purchase of equipment prior to the conclusion of coordination to avoid giving permittees unfair leverage during the coordination process. In the absence of this bar, our committee believes the permittee might spend tens of millions of dollars on the construction or purchase of equipment for its system prior to the completion of coordination and then turn around and argue during coordination or a further permit process by national or international agencies that they must push ahead on the precise terms and conditions proposed by that permittee in order to avoid severe economic stress and loss to that permittee.

Mr. Chairman, I believe the gentleman and I are in substantial agreement on the concepts, and I regret any inconvenience the perhaps inartful drafting of any language might have caused in leading to a misunderstanding on these points.

□ 1440

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. BROYHILL] has expired.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 1 additional minute.)

Mr. BROYHILL. Mr. Chairman, I want to thank the gentleman from Michigan for his cooperation.

I would like the record to reflect clearly my view, at least, that by passing the State Department authorization a couple weeks ago this House has shown that it does support the proposition that companies ought to be given an opportunity to compete with Intelsat. They must go through the process, of course, that is spelled out in the committee report; but while we do believe that the United States should fully comply with all the obligations that are imposed on it by law in the licensing of these new satellite systems; my concern is that those legal requirements could be used merely to delay competition or to assure that there would never be any competition.

My view is that we do expect the FCC and the administration to move expeditiously to fulfill the legal requirements that must be met as a prerequisite to the licensing of new satellite systems so that consumers can begin to benefit from these new services as soon as possible.

Mr. O'BRIEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to elaborate briefly on the remarks of the gentleman from Michigan [Mr. CARR] and the gentleman from North Carolina [Mr. BROYHILL], let me point out that the committee had some disagreement on this issue; the point is that we were concerned that American competition was not being given an opportunity to show its strength and to flex its muscles in the private sector of this portion of the communications world. We were concerned that we were placing too many constraints as roadblocks, that would tend to destroy the opportunity for American companies to get into this particular business, much in the manner that other nations have helped their own companies.

I only suggest that I am glad we are working on it. I do not find it comfortable to be at odds with my colleague from Michigan, but I can assure the Chair that the two of us will try to grind something out that will be satisfactory to the gentleman and, indeed, to the people who hold the view I do.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN. I would be happy to yield.

Mr. CARR. I would just like to say in further response to the gentleman from Illinois, a good friend of mine, and the gentleman from North Carolina [Mr. BROYHILL] that it has never been at any time our intent to be vexatious or cause a delay of applicants wishing to compete. Merely we felt that there needed to be some ground rules well established prior to the commencement of the application process.

I renew the pledge to the gentleman from Illinois that I have made repeatedly, that if we can work together with the Chairman of the Federal Communications Commission and the Assistant Secretary of Commerce to develop language which better describes what I think we all intend, I would be happy to work with the gentleman to see that that is included in the conference committee report.

Mr. O'BRIEN. Mr. Chairman, I appreciate the gentleman's comments and I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RELATED AGENCIES

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution, authorized by Public Law 98-101 (97 Stat. 719-723), \$331,000 to remain available until expended: *Provided*, That the Department of Justice shall be reimbursed for all salaries and other expenses incurred by the Department directly related to the establishment of the Commission.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

In the appropriation language under the above head in Public Law 98-411, the amounts earmarked are revised as follows: hearings, legal analysis and legal services are increased to \$2,063,000; publications preparation and dissemination is decreased to \$747,000; Federal evaluation is decreased to \$1,011,000; and, the clearinghouse library is decreased to \$397,000.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

For an additional amount for "Salaries and Expenses", \$73,342,000, and in addition, \$13,779,000 to be derived by transfer from "Contributions to International Organizations", to remain available until September 30, 1986.

Of available funds under this head, \$2,432,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For an additional amount for "Acquisition, Operation, and Maintenance of Buildings Abroad", \$167,579,000, to remain available until expended.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

(SPECIAL FOREIGN CURRENCY PROGRAM)

For an additional amount for "Acquisition, Operation, and Maintenance of Buildings Abroad (Special Foreign Currency Program)", \$2,000,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the Diplomatic and Consular Service", \$2,000,000, to remain available until expended, for rewards for information concerning terrorist acts in accordance with section 86, State Department Basic Authorities Act of 1956, as amended (Public Law 98-533).

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service retirement and disability fund", \$5,399,000.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For an additional amount for "Arms Control and Disarmament Activities", \$3,946,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For an additional amount for the Board for International Broadcasting, "Grants and Expenses", \$13,753,000: *Provided*, That notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, as amended, the amounts placed in reserve, or which would be placed in reserve, in fiscal year 1985 pursuant to that section, shall be available to the Board for carrying out that Act until September 30, 1986, of which (1) \$4,900,000 shall be for the purpose of upgrading the pension benefits of pre-1976 Radio Free Europe/Radio Liberty retirees and widows; and (2) the balance shall be applied toward the Radio Free Europe/Radio Liberty capital modernization plan.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3979

UNITED STATES INFORMATION AGENCY
SALARIES AND EXPENSES
(RESCISSION)

Of available funds under this head, \$3,879,000 are rescinded.

EDUCATIONAL AND CULTURAL EXCHANGE
PROGRAMS

Of the funds made available under this head in Public Law 98-411, \$3,800,000 for the pilot Central American Undergraduate Scholarship program shall remain available until September 30, 1986.

ACQUISITION AND CONSTRUCTION OF RADIO
FACILITIES

For an additional amount for "Acquisition and Construction of Radio Facilities", \$6,648,000, to remain available until expended.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES
CARE OF THE BUILDING AND GROUNDS

Funds appropriated under this head in the Second Supplemental Appropriations Act, 1984 (Public Law 98-396), for the installation of security systems, shall be made available also for the acquisition and installation of additional communications equipment by the Office of the Marshal, Supreme Court of the United States: *Provided further*, That said equipment shall be under the jurisdiction of and maintained by the Office of the Marshall after its installation.

COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For an additional amount for "Salaries of judges", \$3,098,000, to remain available until September 30, 1986.

SALARIES OF SUPPORTING PERSONNEL

For an additional amount for "Salaries of supporting personnel", \$5,548,000, to remain available until September 30, 1986.

DEFENDER SERVICES

For an additional amount for "Defender services", \$21,992,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", \$1,700,000, to remain available until expended.

EXPENSES OF OPERATION AND MAINTENANCE OF
THE COURTS

(INCLUDING RESCISSION)

For an additional amount for "Expenses of operation and maintenance of the courts", \$13,526,000, of which \$11,300,000 is to remain available until expended.

Of available funds under this head, \$4,417,000 are rescinded.

SPACE AND FACILITIES

For an additional amount for "Space and facilities", \$2,384,000, to remain available until September 30, 1986.

COURT SECURITY

For an additional amount for "Court security", \$1,492,000, to remain available until September 30, 1986.

ADMINISTRATIVE OFFICE OF THE UNITED
STATES COURTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$86,000.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$51,000.

RELATED AGENCY

UNITED STATES SENTENCING COMMISSION
SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$2,350,000, to remain until available expended.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that the balance of chapter II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of chapter II?

If not, are there any amendments to the remainder of chapter II?

The Clerk will read chapter III.

The Clerk read as follows:

CHAPTER III

DEPARTMENT OF DEFENSE—
MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

From funds previously appropriated and made available under this heading in other Appropriation Acts, the Secretary of the Navy may make payments of not to exceed \$1,500,000 for expenses of the Commission on Merchant Marine and Defense as authorized in section 1536 of the Department of Defense Authorization Act, 1985 (Public Law 98-525).

PROCUREMENT

AIRCRAFT PROCUREMENT, NAVY

(TRANSFER OF FUNDS)

Of the amount available to the Department of Defense within the "Shipbuilding and Conversion, Navy, 1982/1986" appropriation, \$240,000,000 shall be transferred to the "Aircraft Procurement, Navy, 1985/1987" appropriation for the modification of A-6E aircraft.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dicks: On page 24, line 19 add the following new language:

"Such funds shall be made available for this purpose only after the enactment of appropriate authorizing legislation."

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Chairman, this was inadvertently not included.

I yield to the distinguished chairman of the Defense Subcommittee.

Mr. ADDABBO. Mr. Chairman, I thank the gentleman for yielding.

We have no objection. It makes the funding subject to authorization, which makes it more legal.

Mr. DICKS. Mr. Chairman, I also yield to the distinguished ranking Republican member of the committee, the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Chairman, I thank my colleague for yielding. The gentleman has shown us the amendment. We think it is very constructive and we have no objection on this side of the aisle.

Mr. DICKS. Mr. Chairman, I just want to make it very clear that this was done at the behest of the Armed Services Committee and is done with their full understanding and cooperation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. Dicks].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISION

Funds made available for the Civil Air Patrol pursuant to section 8089 of the Department of Defense Appropriation Act of 1985 (Public Law 98-473) may be used to reimburse the Civil Air Patrol for costs incurred in procuring such major items of equipment as the Secretary of the Air Force considers needed by the Civil Air Patrol to carry out its missions.

AMENDMENT OFFERED BY MRS. HOLT

Mrs. HOLT. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mrs. Holt: On page 24 of the bill, line 20, strike out "provision" and insert "provisions". On page 25 of the bill, after line 2, insert the following new provision:

Section 8091 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473; 98 Stat. 1940) is amended by striking out "On or after June 30, 1985" and inserting in lieu thereof "After September 30, 1985".

Mrs. HOLT. Mr. Chairman, the amendment I am introducing is designed to ensure a smooth transition to the new Dental Officer Special Pay Program contained in the fiscal year 1986 Defense authorization bill as reported from the House Armed Services Committee.

Dental officer continuation pay is a payment to military dentists in critical specialties who execute an agreement to remain on active duty for at least 1 additional year. Section 8091 of last year's Department of Defense Appropriations Act provided that, for agreements to remain on active duty executed after July 1, 1985, dental officer continuation pay would be cut in half for dental specialties manned at 95 percent or more. The intent of this provision was to force the Department of Defense to submit a legislative proposal to replace dental officer continuation pay with a Dental Officer Special Pay Program modeled on the Doctor Special Pay Program enacted by Congress in 1980. The July 1 date was picked in order to give the authorizing committees—the House and Senate Armed Services Committees—time to enact the new program.

During its deliberations on the Defense authorization bill this year, the House Armed Services Committee reworked and improved the Department's legislative proposal. The Defense authorization bill was originally scheduled for House action before the Memorial Day recess but was pulled

H 3980

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

from the calendar due to other legislative priorities. Because of the delay in getting to the floor this year, the July 1 date will be upon us before final congressional action is completed on the authorization bill.

I am, therefore, introducing this amendment to ensure a smooth transition between the old continuation pay program and the new dental special pay plan. My amendment simply extends the current program through September 30, 1985. The amendment will make certain that no military dentists are penalized financially as a result of legislative delays in getting the replacement special pay program enacted.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mrs. HOLT. I am happy to yield to the distinguished gentleman.

Mr. ADDABBO. Mr. Chairman, we have no objection. We believe it is a good amendment.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mrs. HOLT. Yes, I am happy to yield.

Mr. McDADE. Mr. Chairman, I want to congratulate my colleague on the amendment. We think it is excellent and we have no objection on this side of the aisle.

Mrs. HOLT. Mr. Chairman, I thank both gentlemen, and I ask for adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mrs. HOLT].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER IV DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by State, local governments, or private groups) authorized or made available for selection by law (by such studies shall not constitute a commitment of the Government to construction), to remain available until expended, \$148,500,000 of Construction, General funds and \$1,500,000 of Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee funds; of which \$23,000,000 shall be derived from the Inland Waterways Trust Fund; except that the Chief of Engineers is directed to proceed with planning, design, engineering, and construction as described in the accompanying report of: Fort Toulouse, Alabama; Mobile Harbor, Alabama; Moundville, Alabama; William Bacon Oliver Lock and Dam, Alabama; Eight Mile Creek, Arkansas; Fairfield Vicinity Streams, California; Merced County Streams, California; Oakland Inner and Outer Harbor, California; Pajaro River, California; Richmond Harbor, California; Sacramento River Deep Water Ship Channel, California; San Luis Rey River, California; Fountain Creek at Pueblo, Colorado; Dade County, North of

Haulover Beach Park, Florida; Tampa Harbor, Branch Channels, Florida; Tampa Harbor East Bay Channel Maintenance, Florida; Savannah Harbor Widening, Georgia; Kahoma Stream, Hawaii; Locks and Dam No. 26, Alton, Illinois and Missouri Second Lock, including Environmental Management; Moline, Illinois; Falls of the Ohio National Wildlife Conservation Area, Indiana and Kentucky; Des Moines Recreational River and Greenbelt, Iowa; Atchafalaya Basin, Louisiana; Mississippi River Ship Channel, Gulf of Baton Rouge, Louisiana; Pearl River, Slidell, St. Tammany Parish, Louisiana; Revere Beach, Massachusetts; Town Brook, Quincy and Braintree, Massachusetts; Baltimore Harbor and Channels, Maryland and Virginia; Jonesport Harbor, Maine; Bassett Creek, Minnesota; Chaska, Minnesota; Gulfport Harbor, Mississippi; Missouri National Recreational River, Nebraska and South Dakota; Barnegat Inlet, New Jersey; Liberty State Park Levee and Seawall, New Jersey; Ardsley, New York; Ellicott Creek, New York; Kill Van Kull, Newark Bay Channel, New York and New Jersey; Moriches Inlet, New York; Port Ontario, New York; Randeman Lake, North Carolina; Cleveland Harbor, Ohio; Geneva-on-the-Lake, Ohio; Red River Chloride Control, Oklahoma and Texas: *Provided*, That Section 201 of the Flood Control Act of 1970, as amended by Section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the heading "Arkansas-Red River Basin"; Parker Lake, Oklahoma; Bonneville Navigation Lock, Oregon and Washington; Bonneville Power Units, Oregon and Washington; Monongahela River, Point Marion (Lock No. 8), Pennsylvania and West Virginia; Cowanesque Lake Modification, Pennsylvania; Monongahela River, Grays Landing (Lock No. 7), Pennsylvania; Tamaqua, Pennsylvania; Ponce Harbor, Puerto Rico; Clear Creek, Texas; Colorado River and Tributaries, Bogy Creek at Austin, Texas; Preport Harbor, Texas; Lake Wichita, Holliday Creek at Wichita Falls, Texas; Town Bluff Hydropower, Texas; Little Dell Lake, Utah; Norfolk Harbor, Virginia; Richmond, Virginia, Local Protection Project; Virginia Beach Streams, Canal No. 2, Virginia; Gallipolis Locks and Dam, West Virginia and Ohio (Ohio River). Initiation of construction of these projects is subject, where appropriate, to enactment of needed authorizing legislation. In the event the Ninety-ninth Congress enacts legislation specifying the requirements of local cooperation for water resources development projects under the jurisdiction of the Department of the Army, such requirements shall be applicable to projects for which funds are herein provided, notwithstanding any agreement for local cost sharing in excess of amounts specified in the relevant project authorizations. The initiation of inland waterways projects identified for planning, design, engineering, and construction in this Act may be funded from sums available in the Inland Waterways Trust Fund, established by the Inland Waterways Revenue Act of 1978 (Title II of Public Law 95-502), notwithstanding the second sentence of Section 204 of such Act.

POINT OF ORDER

Mr. HOWARD. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOWARD. Mr. Chairman, I rise to make a point of order against the language beginning on page 25, line 3, through page 28, line 9, that this language is legislation in an appropriation bill. It appropriates funds for un-

authorized projects, in violation of clause 2, rule XXI.

The CHAIRMAN. Does anyone else desire to be heard on the point of order? If not the Chair is prepared to rule.

The Chair notes that there are several projects listed in this paragraph which are not authorized by law and the Chair, therefore, sustains the point of order and the paragraph is stricken.

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN: After line 9 on page 28 insert the following:

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by State, local governments, or private groups) authorized or made available for selection by law (but such studies shall not constitute a commitment of the Government to construction), to remain available until expended, \$148,500,000 of Construction, General funds and \$1,500,000 of Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee funds.

Mr. EDGAR. Mr. Chairman, I reserve a point of order on the amendment.

Mr. WHITTEN. Mr. Chairman, through no fault of its own, our authorizing committee has not been able to enact an authorization bill for 10 years. Although the House has passed authorization bills, they have not been enacted into law.

I have the highest regard for my colleagues for being as patient as they have been in trying to have authorization bills enacted into law. I have supported them through the years and I support them now. We have worked together.

The rule does provide that it is up to me as an individual to offer an amendment to restore these authorized projects but unfortunately the rule also requires me to leave out equally needed projects because they have not been authorized.

The rule leaves us on the spot in our committee for these projects which we must leave out have not been authorized, not because of lack of need, but because Congress has simply not been able to complete an authorization law for 10 years. Many of our colleagues have equally good projects. I shall offer an amendment when the section is stricken on a point of order which I hope will give us some latitude in conference to still take care of these essential projects.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3981

□ 1450

We have included additional funds which could not be used for these projects unless they are approved by the House and Senate.

So I quote again, "for the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law." I am limiting everything to those authorized by law. But I have recommended and do recommend in this amendment that we provide funds which might be used in conference to treat all sections of the country the same. These funds would help in conference with the other body. We would have some elbow room to try to treat other colleagues the same way we treat those who have authorized projects. I repeat again to my colleague from New Jersey, we limit ourselves to authorized projects. We do provide additional funds in broad titles. Again I did not seek the responsibility that came to me under this rule to restore only the authorized projects. As chairman of the Appropriations Committee, I strongly believe we must look after our country, all of it. I am a strong believer in treating my colleagues and their districts on an equal basis and not just taking care of those where they have an old authorization, and leave the others where they have hopes that our colleagues from New Jersey and others may give them an authorization in time to correct an unequal situation.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. EDGAR] wish to pursue his point of order?

Mr. EDGAR. Mr. Chairman, I withdraw my point of order.

Mr. HOWARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to remind the House that this body several months ago, in the last Congress, did pass by a vote of 259 to 33 a comprehensive water resource bill involving 3 years of work and some 300 necessary projects around the country.

Again, in the last Congress, by voice vote, this House adopted that legislation in the continuing resolution.

Due to inaction in the other body we are forced once again to bring this comprehensive legislation to the floor of the House. It will be brought to the floor of the House within the next 3 weeks.

On this amendment now offered by the gentleman from Mississippi [Mr. WHITTEN] I just would like to point out or ask one or two questions. The authorized projects in this legislation which the gentleman is putting back comes to approximately \$1.5 billion, I believe. The projects that were not authorized, which on the point of order were stricken and are not being put back by the gentleman's amendment amount to about \$2.1 billion, because I believe it is \$3,657.9 for the total amount that the gentleman has in his amendment is \$149,500,000 in general funds.

So even if there was some way in conference to try and authorize, reauthorize, to fund all of these unauthorized projects, there is nowhere near an amount of money to cover these because that would be about \$2.1 billion.

Am I correct on that, Mr. Chairman?

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I do not have the figures before me but I have worked with this, as has the gentleman. May I say if I inadvertently said that the House had not passed this, I did not mean to say that and I stand corrected. The Congress has not been able to enact this needed legislation into law. The gentleman and those on his committee have done a marvelous job only to be stymied by the other body.

But I point out, getting a project started is very important. We are not required to provide full funding here necessarily. The full amount, in my opinion, would help us to work out the problem for more of our colleagues. And goodness knows, we need to. Ten years is a mighty long time for our colleagues to get a much needed project started.

Mr. HOWARD. I thank the gentleman and I assure the gentleman that we will do everything we can to relieve the Appropriations Committee from the additional burden of authorizing in an appropriation bill.

Mr. WHITTEN. That has been the situation for 10 years. It is not the gentleman's fault.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Let me give the gentleman the exact figures. If he will look at page 25 of our bill, he will see that those are the same exact figures in our bill that are in his amendment. The bill originally had \$148.5 million, and so does the gentleman's amendment.

Mr. HOWARD. That is what I said, but what I am saying is that you have not included the \$2.1 billion that was in here for the unauthorized projects. I am supporting this.

Mr. CONTE. Yes, but I am saying that the \$2.1 billion was not in the original bill anyway, just the first year costs for both authorized and unauthorized projects.

Mr. HOWARD. Those are just the figures we have.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I think just to clarify the situation for everyone in the House, the projects that were eliminated by the point of order were 66 projects. There were 4 corps projects, there were 31 unauthorized projects, and there were 31 authorized projects.

The gentleman from Mississippi [Mr. WHITTEN] rather than going back and restoring only the authorized projects in the bill, has simply gone back and restored all of the money in the bill, so in essence we have before us an amendment which provides for money for the authorized projects, but twice the amount of money needed for those authorized projects, and the unexpended obligations can, in fact, be used for other authorized projects or can double or triple the amount of money used on those authorized projects here in the bill. It is an important situation to understand.

If the chairman of the Appropriations Committee were only putting back the money for the authorized projects this amount of money perhaps would be cut as much as in half, or at least substantially reduced.

The gentleman from Mississippi has in fact put all of the money back for both authorized and unauthorized projects.

Mr. HOWARD. We had a figure of \$3.6 billion total for completion of these.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HOWARD] has expired.

(By unanimous consent Mr. HOWARD was allowed to proceed for 2 additional minutes.)

Mr. HOWARD. I would state from my conversation with the gentleman from Massachusetts that you do have all of the money in here for the projects authorized and unauthorized.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Massachusetts.

Mr. CONTE. That was my point. The gentleman is exactly right.

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr. HOWARD. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. The billions of dollars that the gentleman discussed are accurate. If the 31 projects that are authorized and the 31 projects that are unauthorized and the 4 projects of the Corps of Engineers were in there it would cost the Federal Government more than \$5 billion.

Mr. HOWARD. I can see by the smile on the face of the gentleman from Massachusetts that he thinks that clause 2 of rule XXI does not mean anything and you can still authorize all you want when you meet the other body in the conference. So most of the authorizing committees might just as well fold up their tents as long as the members on the Appropriations Committee get their projects funded, authorized or unauthorized.

Mr. CONTE. Mr. Chairman will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Massachusetts.

Mr. CONTE. On the contrary, I am with you. I may be smiling, but I am with you.

H 3982

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

Mr. HOWARD. Will the gentleman please try and tell me why you are with me? Are you supporting this amendment?

Mr. CONTE. No, I am not supporting this amendment; absolutely not.

Mr. HOWARD. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. WHITTEN. Mr. Chairman, I think I made it clear we have the unfortunate situation, whatever the reason, where certain projects have been authorized in years past. Under the rules I can only restore those. We all hope the regular legislative committee may be able to authorize projects in the future. In the meantime I believe we should do what we can to protect those colleagues who have equally as needed projects which have not been authorized because the legislative committee could not get its bills enacted into law though they did pass the House.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the gentleman's amendment. I think if you think about it, in fact, it violates the spirit of the amendment that was allowed by the Rules Committee at this point, at this stage of the procedure, because the chairman of the committee was to be allowed to offer an amendment to help restore the funding for the authorized projects and in fact, instead of that he has offered an amendment to restore funding at exactly the same level that his committee determined was necessary for the authorized and unauthorized projects.

The bill, on page 25, line 15, provides for \$148,500,000 for the authorized and unauthorized projects which are later enumerated, and the gentleman's amendment does provide for exactly that figure. So it goes right around the barn but we end up with this House, if it passes this amendment, adopting and having restored all of the funding that was in effect stricken by the point of order.

It seems to me that this is a totally inappropriate use of the supplemental vehicle. Supplementals are for emergency spending but there is nothing remotely urgent about new starts on water projects. A delay of 2 or 3 months will not cause anyone to lose any sleep over any of these projects.

□ 1500

Why are they in this bill? They are proposed merely for one reason only, to make an end run around the Public Works Committee and the budget process. We are being asked to cram new projects into fiscal 1985 and an appropriation for new projects in this amendment, when everyone's attention is on the budget for fiscal 1986. If you look at the larger picture in which

we are operating it is clear that the American people do not know what to believe about our efforts as a Congress to control Federal spending. They have a tug of war going on in their minds. On the one hand they want to believe that Congress is truly committed to cutting Federal spending, as we tried to prove in the budget debate last month. On the other hand, they can hardly be blamed for questioning whether it's politics as usual when our next step after passing a budget is passing a supplemental appropriation bill that dumps numerous new water projects into the current fiscal year. We ask the American people to be pleased by our actions on the budget resolution for fiscal year 1986 and then ask them to avert their heads while we abuse the budget process. Who are we trying to kid? We are on the verge of taking a giant step off the path toward fiscal responsibility. We cannot ask the American people to have any faith in our ability to control spending if we continue to bypass the budget process and the authorization process. Voodoo and tricks with mirrors are not going to fool anyone, and they are certainly not going to solve our deficit problems.

An editorial in a national newspaper, the Wall Street Journal, said it best: "A congressional budget resolution is roughly comparable to your 4-year-old saying, cross my heart and hope to die." Federal spending, on the other hand, is real money. Today in this supplemental, we are talking about real money.

I do not propose to say all water projects are bad by opposing these at this time. Many of them are good. Many of these are good. It is good to see that elsewhere in this chapter cost sharing on Bureau of Reclamation projects is required. I hope this language is retained in the conference. But I continue to believe that the supplemental appropriations bill is an inappropriate vehicle for this kind of spending. Supplementals are supposed to provide emergency funding and new starts in this section of the bill just do not qualify.

It is reasonable to ask why these projects have been put into the supplemental, or the appropriations for them when markup is scheduled for both water resources authorization and appropriation in fact in the next couple of weeks. So let us allow the regular legislative process to proceed and preserve our credibility as responsible legislators with a genuine interest in abiding by the budget levels agreed to in this House just 2 weeks ago.

Mr. Chairman, I point out to all of my colleagues who have a project in House Resolution 6, or some other place and that is not in this bill that it is going to be jeopardized because when this train goes through because then you are not going to have an engine to bring your projects through and they will be lost for another Congress.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. EDGAR TO THE AMENDMENT OFFERED BY MR. WHITTEN

Mr. EDGAR. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Edgar to the amendment offered by Mr. WHITTEN: Strike "\$148 million" and insert "\$50 million".

Strike "\$1.5 million" and insert "\$1 million".

Mr. EDGAR. Mr. Chairman, the point of order that was sustained which was offered by Mr. HOWARD, chairman of the Committee on Public Works, was an attempt by the Committee on Public Works to keep the fire burning under the authorization process. Last year I broke from my tradition and supported for the first time in many years a water authorization bill. It had policy reforms in it which included cost sharing, which included environmental mitigation, which included a process for deauthorization of many outdated projects that are on the books but not ever going to be constructed.

The gentleman from New Jersey [Mr. ROE] had fashioned a bill, which, while not perfect, at least began to move in the right direction of setting up a strong authorization process where water policy could be made in the United States.

The amendment which I just offered gets us back to the situation where we give the Committee on Appropriations approximately \$50 million in funds for authorized water projects from now until October 1, according to the authorized projects that are in this bill.

What my amendment does is delete the additional money that the chairman of the Committee on Appropriations had placed in his amendment which would have covered the cost of the unauthorized projects.

Let me see if I can explain it even more simply, if I may have the attention of my colleagues.

The original bill before us today had 66 projects; 31 of them were authorized Army Corps of Engineer projects. Four of them were authorized Bureau of Reclamation projects. But there were also 31 corps projects that were unauthorized.

My amendment would say fund the 31 authorized corps projects and the 4 Bureau of Reclamation projects but do not fund, do not pay a dime on any of the unauthorized projects until the authorizing committee has had a chance to work its will.

This Appropriations Committee will be back on this floor within a few weeks with the 1986 appropriation legislation. There will be plenty of time for us to look at the quality of the projects they select, and there will be opportunity for us to weigh the merits of those projects at that time.

If you accept my amendment to Mr. WHITTEN's amendment, we simply give Mr. WHITTEN what he wants, and that is authority to fund authorized projects from now until October 1,

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3983

that he does not have the money to fund under the existing 1985 appropriation.

But in a time of emergency, at a time when Federal dollars are scarce, it makes no sense to put a mythical amount of money in place attached to no projects or attached to projects yet to be authorized. We will have that chance in the orderly process of the House.

So I would urge my colleagues to support my effort. Again, it is very simple: We reduce from \$148 million to \$50 million the amount available for water projects, enough to fund only the authorized projects, and we reduce slightly the amount of money for flood control in the very necessary areas that was at one point \$1.5 million and we include \$1 million for that. We save about \$100 million that, in Mr. WHITTEN's amendment, would be spent on unauthorized water projects.

In addition, by doing this we strike a blow for merit selection of water projects. By keeping the pressure on for an authorization bill, we keep worthy projects that are not in this bill but are in the Public Works Committee's authorization bill from being bumped to the back of the funding line. A number of key flood control projects for my State, for the Wyoming Valley, for Pottstown, Harrisburg, and Lock Haven, are in the authorization bill. But they are not in this fast-track appropriation bill, so funding of them will be delayed if unauthorized projects are included in this bill.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. Yes, I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I agree with the amendment of the gentleman, Mr. EDGAR, but I'm afraid that it really does nothing. What the gentleman is saying is absolutely right, but even if we pass this with a lower number, they will put all those projects back in and they will put all the money back in during conference.

The key is that you have to defeat the Whitten amendment. Then there would be no kite to tie the tail to. Putting the authorized projects back in there is what gives you the kite.

Mr. EDGAR. I thank the gentleman for his comments. It was a close call in terms of strategy. But I have to say to the gentleman that because the point of order only lodged against paragraph 1 of this particular chapter, the kite was still there. The opportunity for conference to add or subtract money is still there, whether or not the Whitten amendment is accepted.

I plan to vote against the Whitten amendment because I think in a time of fiscal constraint when we have all of the emergency funding pressures on us with high deficits and high debt, we ought to use the regular orderly appropriation authorization process and

not try to sneak unauthorized projects through on bills such as this.

□ 1510

(By unanimous consent, Mr. EDGAR was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. So I understand the gentleman's point of view. I simply want to say, if you have already got that ability in conference to rise and fall on the issue, lets us make the House figure small enough so the Senators realize that we are serious in the House; that only authorized projects will receive this emergency supplemental funding, and if they want new projects, they ought to go through the regular authorization process and help Congressman ROE get his authorization bill not only passed in the House, which we can do, but considered carefully and seriously in the Senate of the United States.

Mr. DELAY. Would the gentleman yield?

Mr. EDGAR. I yield to the gentleman.

Mr. DELAY. I thank the gentleman for yielding.

I wanted to make this very clear about your amendment. The authorized projects, for example in my district Freeport Harbor and Freeport jetties, that have been authorized since 1970, would, under your amendment, be allowed or be started with the amount of money that is appropriated in your amendment?

Mr. EDGAR. Absolutely.

Mr. DELAY. All authorized projects would have the ability to get started?

Mr. EDGAR. Any of the authorized projects that were listed in the shopping list of appropriation bills would be eligible for funding by the Army Corps of Engineers by my amendment.

The only projects impacted which would have to wait only a few months; until October 1, are those projects that are unauthorized, and that keeps the fire burning particularly under the Senate, so that we pass a legitimate authorization bill, but also the policy changes that we have worked so hard to accomplish.

Mr. DELAY. I appreciate the gentleman's amendment.

Mr. EDGAR. I thank the gentleman. I urge my colleagues to support my amendment. I hope that we can support the amendment and then some of us, by virtue of our judgment on the financial considerations, will move to vote down the Whitten amendment.

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. ROE asked and was given permission to revise and extend his remarks.)

Mr. ROE. Mr. Chairman, I have to come to the aid in this moment, of the Appropriations Committee, which I think is going to shock the chairman and also my subcommittee chairman on this issue.

I happen to agree with what Bob EDGAR said, the gentleman from Pennsylvania, completely. It does not matter whether you add money or cut

this back; it just does not mean anything; this is an exercise in total futility if you cut it back to \$5, because that is not going to be debated nor decided in this House; it is going to be decided in conference.

The one thing we want to be careful of is that we do not denigrate the whole system. Now there is an issue that you may not be aware of, fellow workers and fellow Members, that we come back and we talk about the magic of authorized projects.

Well, look through the respective States, and there is a very important point here. A project can be authorized but it was only the projects that were allowed to go through by the administration. You had to make your deal with the OMB; you had to make your arrangement to participate in a higher cost-sharing aspect of it. It did not matter where you came from; it did not matter whether you had a flood problem; it did not matter whether you were poor; it did not matter whether you had a 2-year legislature and could not raise the money for the matching funds; The GAO, under this situation, has decided specifically what will be eligible, what will be authorized.

So there is no magic about some sacrosanct issue has been decided because it has been authorized. That is total hokum and total bull. It is not so.

Part of the battle we fought on this floor before was equity and fair play. That is what the Members are looking for.

I hear questions being asked on fact, not fiction, or not philosophy, but whether or not they are eligible. What we are trying to do is break the cycle after 15 years and create a piece of legislation that will work, that will be equitable, and fair throughout the country to meet the needs of the people, and compliments to the House, compliments of the chairman of the Appropriations Committee.

I remind this committee here that the chairman himself, almost single-handedly fought like a dog the last time in the continuing resolution to protect the interests of the House, as the House had voted, and that is a matter of fact.

The chairman and the subcommittee chairman went to the Rules Committee with us yesterday, and joined us with the Rules Committee, attempting to get the Rules Committee to make in order a particular amendment we wanted to add.

So I do not think it is fair, although I do not agree with everything that Appropriations does, to come down on their head.

The mistake we can make in this room today, or this Hall, is to just go ahead and go to that conference regrettably with the Senate and wind up, as far as the House is concerned, with practically nothing.

So I am going to support Mr. EDGAR's amendment to reduce the funds, because I think it is symbolic. I have the

H 3984

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

highest regard and respect for the gentleman, and I am going to support Mr. WHITTEN's amendment because I think the amendment ought to pass when it is amended by Mr. EDGAR.

I would like to extract a compromise and a promise from the Appropriations Committee, and I have another amendment I will bring up after this is done. What I would like to get from the committee is the point of view that you have written into your bill that regardless of the negotiations we hope, that if a project has not been authorized by the authorizing committee and therefore the House of Representatives, that it will not come back from the conference, even if the Senate attempts to add it on. Is that an unreasonable request to ask?

How firm will the Committee on Appropriations stand on its position in this bill?

Mr. WHITTEN. I do not think I have a 6-year term like the Senators do, but I have been able to stay there and lay limp.

Mr. ROE. You do very well with your 6-year terms.

Mr. WHITTEN. So I do not think I give in very easily.

Will the gentleman yield to me at this point?

Mr. ROE. Of course.

Mr. WHITTEN. I would just like to point out, and I appreciate the gentleman's statement—I quote from my own speech to this House some years ago:

In the first place, if you do not pass this bill you leave it up to the Bureau of the Budget under any administration to determine all new projects, leaving it open to a handful of men to be purely political.

That is not necessarily true when you say authorizations. But if the administration is not going to approve an authorization bill, you leave it up to downtown, and you know it won't happen here.

I go on further and say:

I am saying that we have an obligation to look after our country, and I am saying that, after study by the Corps of Engineers, a part of the Executive Department, it is up to the Congress after hours, days, and months of study and the testimony of 1,150 witnesses, to recommend the initiation of development in sections of this Nation. That is what the bill before us would do.

Now, those who have spoken and have not been to conferences with our Appropriations Committee on the Senate side, the more money you have got in here as long as it does not exceed what we had in the bill, the better chance you have got something to work out over there.

Now, if you put a limited amount in here, you force us to choose between our colleagues who perhaps have equally desirable projects.

Mr. ROE. But if the gentleman would let me regain my time—

Mr. WHITTEN. We may have to split the projects in half, and I do not want that job.

Mr. ROE. I subscribe to what the distinguished chairman says, but let

me offer another point. We have already decided that. We have cut up what is available.

(By unanimous consent, Mr. ROE was allowed to proceed for 3 additional minutes.)

Mr. WHITTEN. I have worked with my colleagues—

Mr. ROE. I know you do, and I am not quarreling that, JAMIE, but there is one thing that is certain; we have already picked and selected.

In the amendment that I choose to offer after we finish this debate goes to the other part of the bill that was under the waiver. There are 30-some-odd projects in there, including the 7 locks and dams as far as the acquisition of land and the engineering and designing, and I am not going to quarrel.

But I am saying that we have already selected.

What is happening in this process is that Members do not have an equal chance or an opportunity in any State, unless you have some input into that appropriations bill and sit on that committee, in fair play, nothing else is going to happen.

Now we cannot quarrel with you folks for working your will, but we do think it should be fair and equitable. The Northern part of this country has just as much right as the South and the East and the West to be considered in their needs, in their natural resources needs, and that is not happening. That is not happening in this particular bill, and you know it.

Mr. WHITTEN. And when the gentleman makes that fight, I will be standing beside him.

Mr. ROE. Well, I am going to wait for that day.

Mr. CONTE. Will the gentleman yield?

Mr. ROE. Yes, of course.

Mr. CONTE. I wonder if the gentleman could tell me whether he got an answer yet to his question?

Mr. ROE. Well, I think in the exchange and dialog, I have not quite gotten the answer, but I am not finished with the question yet, either.

I think it would be good, but I will let that go.

I yield back the balance of my time on this particular issue.

□ 1520

(Mr. PICKLE asked and was given permission to revise and extend his remarks.)

Mr. PICKLE. Mr. Chairman, I rise in support of the amendment that has been offered by the chairman of our Appropriations Committee.

Many of us are not comfortable in the amounts of money that may be appropriated, and many of us do not want to be overly selective within our own districts. But each of us has projects that we are concerned about. If I thought we could just stop the process and get an authorization bill out next month or the next month, or even the next year, then I would con-

sider some possibility of seeing if there was a way to compromise.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I have not made my point yet.

Mr. HOWARD. The gentleman has made his point.

Mr. PICKLE. I will yield to the gentleman in just a minute.

But I have a project in my district that I must make reference to, because I want to make a point. I have a little project in East Austin called Boggy Creek. It has been studied, it has been approved by the corps, it has been smelled and massaged and examined at almost every level. It only costs about \$15 million or \$18 million. But for 10 years we have not been able to get this project advanced, nearly 10 years. Now, somewhere the machinery has broken down. Here and there a few get selected over and above this little project that flows through the eastern part of my city.

Now, the Appropriations Committee is for the project. The authorizing committee if for the project. I do not know anyone who is really against it. But I have got nothing to show for 10 years of effort. And I have promised over and over to my constituents that everyone is for the project. I hesitate to go home now because they say, "What year did you say this was going to happen?"

Now, I do not care to lump all of these projects in one, and we should be responsible about appropriations, but I do think that those of us who cannot get these little projects advanced have to stand up at some point and say, "Let us put some funds in here to see if we cannot eventually get a part of this action."

Now, that is what I am asking. It would seem to me that Mr. WHITTEN's amendment would do that. If I go back and take his amendment over the amendment of the gentleman from Pennsylvania, then it is only for a authorized project. So I am asking for help on a little project that has been delayed for years and years, and I am tired of it.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from New Jersey.

Mr. HOWARD. The gentleman said two things. First of all, he said he would be satisfied if the bill passes within the next month from the authorizing committee. That will be. But, second, we are talking—

Mr. PICKLE. We thought that last year, I say to the gentleman.

Mr. HOWARD. Yes, we did pass it last year.

Mr. PICKLE. But we do not have a bill.

Mr. HOWARD. The gentleman asked if we passed it, and I said we did twice, and we will.

Mr. PICKLE. We do not have a project.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3985

Mr. HOWARD. Now, the gentleman says, though, this project is needed, and if we cannot get the bill through, then we should certainly take your project, whichever way we can. You are tired of waiting. So you take 60, 63. There are over 300. What do you think about the other 240 Members of the House who also have it, or are you saying, "Just take me, and these others, my pals, and forget the other 240?"

Mr. PICKLE. Let me reclaim my time by arguing in reverse. If you go back to authorizing, you are going to authorize them all—all 300! You are not going to authorize one. We have been through that process before.

Mr. HOWARD. Of course.

Mr. PICKLE. So then somebody has got to choose. It has either got to be the Congress or it may have to be the people downtown. It would seem to me that if you put the money in there, at least we have got a chance to make some selection as we go to conference. It is a matter of good word and good faith. This is true of many of us. In my city, they said, "Well, we will cooperate." And now for years and years, I said, one by one, each year, we have added to their responsibility. Now they have put up a third or 40 percent. They put up their money. They have advanced money on many of their works to get credit, but they have got no project. Now, somehow or another we ought to have a finality to these little projects.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I am feeling very sympathetic to the gentleman's concern. Let me make two points. The first point is, with the amendment of the gentleman from Mississippi that states clearly that his big pot of money can only be funded toward authorized projects, the gentleman is still not protected with the gentleman from Mississippi. The second point, which is more critical: In Harrisburg, PA, in Lock Haven, PA, in Wilkes-Barre, PA, is a whole series of small communities identical to yours, there are flood control projects that have been very needed and very necessary. Those projects have been held up. And they have been held up because some of us in the House believe that we ought to have a process whereby we can select these projects by merit, much like your project, and give all Members of the House and all Members of the Senate, who represent the taxpayers who pay the bill, an opportunity on a merit selection process to get their projects funded in a timely fashion. Unfortunately, the system has broken down, and only those Members who serve on key and appropriate committees—

The CHAIRMAN. The time of the gentleman from Texas [Mr. PICKLE] has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. PICKLE was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. If the gentleman will yield further, the gentleman is at the very point that the gentleman from Pennsylvania is, the gentleman from Kansas, the gentleman from Oregon or the gentleman from Utah. Many of them have very worthy projects. In the Roe bill we have cost sharing, environmental mitigation and policy initiatives that can help put in place a policy so that we do not get ourselves in this position in the future.

There is one final point I must make, and that is that if we allow this process to go through, where we take the fire out from under an omnibus authorization bill, then we take the fire out from the policy initiatives that can help across the country.

Mr. PICKLE. Mr. EDGAR, I am in sympathy with the authorizing committee. I know very well that they want to advance a lot of these water projects. I do know that because of the past two administrations, this one now included, we have no water projects.

Now, I have voted for many of our big national defense projects. I thought they were necessary. But I am also saying that there comes a time when we ought to help some of these little communities or some of these poor parts of cities. We have not done it. And whatever caused it, whatever administration, it is not just the fault of the committee, but we have not produced any kind of a bill. Now, I want something put in there to try to give us some relief. I just think there ought to be a halt to this kind of continued delay.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I thank the gentleman from Texas for yielding.

Mr. Chairman, I think the gentleman from Texas should make the point that in this bill there is \$2.7 billion for foreign aid, and the chairman is only asking for \$148 million for water for this country, that the President says has got to provide the economic growth and retire deficits and prepare the wealth of this country so that we can support other countries.

I think that is a point that the gentleman from Texas should be making. No, one is saying what projects should be there. I am like you, we do not have water. But I do not know if that will be considered or not. But I think we should put an equivalent amount of what we are doing in foreign aid, and there is \$2.7 billion there. The chairman is only asking for \$148 million. I support the chairman and I stand strongly opposed to the Edgar amendment.

Mr. PICKLE. Mr. Chairman, I do not like the earmarking or comparison of one kind of fund against another fund or appropriation, because we

have to look at the total budget. But there comes a time when you have to make a determination that somehow we ought to advance some water projects. We have not done it. Now, that is not right. As we do all of these other good things for our country, both nationally and internationally, we ought to also do something for the water projects, and it is time to take action on it.

Mr. MYERS. of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really had not planned to talk on this issue, but there have been so many misstatements made and inaccuracies put before the House this afternoon that I think they ought to be corrected.

First, I do not remember when we have been quite so controversial on this particular section. I remember when I first came to Congress 19 years ago—Chairman BEVILL and I came the same year—I offered an amendment to the public works then, the subcommittee bill, and you would have thought that I had committed treason to dare challenge that particular bill. And the foreign aid bill was always controversial back then. But this one today is being blown clear out of proportion.

First, we had 62 new starts in the original provision of chapter 4, and this is being knocked out by a motion here by Mr. HOWARD. And I understand why. I thought it had all been taken care of.

Mr. HOWARD. Mr. Chairman, will the gentleman yield, since he mentioned my name?

Mr. MYERS of Indiana. Well, certainly. It was not derogatory, but I yield to the gentleman.

Mr. HOWARD. I just want to point out that the only way I could would be the section that would knock out both the authorized and unauthorized. I had no intention of eliminating the authorized and would support that part of the chairman's amendment to put them back in.

Mr. MYERS of Indiana. Well, I said earlier I thought 3 weeks ago we had an agreement. Now, I personally did not talk to you, but I understood, from other people secondhand, that as long as we provided that they must be authorized by law before we went to final construction—

Mr. ROE. If the gentleman will yield, that is part of the point. When we make an agreement we do not break agreements. I think the Members of the House ought to know one very important point which I do not think they are aware of. The reason that Mr. HOWARD was successful on his point of order was because it was authorization on an appropriation bill. But the Rules Committee protected 32 other issues, and they granted them a waiver. We cannot even get at that unless we move to attack the entire bill. We never agreed to anything like that.

H 3986

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

And, if I may—if the gentleman will give me just 1 more second—why should it be that we select and pick between our brothers and sisters? Why should it not be fair and equitable to every State? That is the issue. So it was not a question of whether or not something was authorized or not. Part of this bill is protected by the Rules Committee, as I know the gentleman is aware.

Mr. MYERS of Indiana. Well, the gentleman may have to worry about that problem on authorization, putting everybody's projects in, but we on appropriations have to select the highest priority. That is our very job or we would not have an appropriations process. We hold extensive hearings also, and we have, but I must say to both gentleman from New Jersey that, to be honest, we have been waiting 5 years for that authorization bill to get down here. Now, we passed it last year, yes. But it did not become law. It was through no fault of yours. But it is through no fault of those individuals who are suffering, such as the gentleman from Wichita Falls who is right today under water, or Boggy Creek, in Texas, another project that is strictly under water. There are other projects that are suffering every year.

□ 1530

Mr. ROE. If the gentleman will yield, of the 435 Members of this House, and I rise up with a little indignation at the moment, I probably have talked and worked with at least 90 percent, personally, of the Members of this House, and every hamlet and village in every State across this Nation. We did not bring forth some kind of a dragon; we put together that which was necessary.

The question before the House really is: Do we need an authorizing committee at all? What are we doing it for? Can I not then so to the chairman of the Appropriations Committee and say, "Mr. WHITTEN, of the nine projects that we desperately need in the State of New Jersey, you gave us none, sir." There are two projects that are previously authorized. I beg your pardon.

Mr. MYERS of Indiana. On page 27 of the bill which just recently got knocked down on a point of order, line 19, I quote from that passage that no longer is in the bill:

"Initiation of construction of these projects is subject, where appropriate, to enactment of needed authorizing legislation."

We put it in there that you would legislate. We would not start construction. We were advised by the Assistant Secretary for Civil Works that they needed to do some advance engineering; they need to have the money in here for that. So this is the reason we put it in. It was not to try to run around you. We worked with you very closely.

I yield to the gentleman from New Jersey.

Mr. ROE. I think that is a marvelous achievement, but then I have to ask the simple question, I am country boy; I do not follow all of this kind of thing.

Why is it then on the 32 other projects that the same codicil was not added? Why was that not added to the other elements in the bill then, if that was our agreement?

Mr. MYERS of Indiana. It is still not in the other elements of the bill, and you are not even objecting to other elements of the bill. We did that because you asked for it.

Mr. ROE. Oh, yes I am.

Mr. MYERS of Indiana. Going on. If you are a country boy from New Jersey, I hate to think what I am from Indiana; really a rural area of Indiana, incidentally, suffering from floods also.

Going on, it troubles me very much when I hear the words this afternoon, "pork barrel" used frequently. "Pork barrel." Then someone else objected to the fact that OMB or the President was selecting the projects. Yes, he sent the recommendation down here. We accepted 22 of his, I believe, 28 recommendations.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(By unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 5 additional minutes.)

Mr. MYERS of Indiana. We on the subcommittee, of those 28 requests, put in 22 of the requests. We put in 10 that he did not request. Ten of the projects in there are projects that the President or OMB did not request. It did cause some consternation, I think, in OMB, and maybe from the White House; we have not heard from the White House. But that is our job on appropriations. We cannot put everyone's project in.

Now, Mr. EDGAR, he will probably ask me to yield to him now, but he wants to cut it back to \$50 million. That may happen shortly. Then he suggests that we should fund everybody's project; we cannot do it with 150; how are you going to do it with 50? I do not think 50 is enough, but it may come that we will have to start these projects with \$50 million.

The important thing that I see here is that your committee here has picked out 62, and now it has dropped down to 32, projects that we feel that are very, very important; that are authorized. Now there is going to be disagreement. In most cases, we are right. But, in no time do I know any other project that ever comes before this Congress, except here, that we have to concern ourselves about the cost-benefit ratio.

We have to make sure the benefits are greater than the cost. What other projects do anybody, in any other appropriation bill, have to meet that first criteria? When you talk about an expense here of \$145 or \$50 million, whatever the case may be, it is not a

handout. It is not a giveaway; it is an investment in the future. It is an investment in the transportation system that is badly needed for exports, for our farmers who are not able to export their grain today because they just cannot meet competitively world market prices. But with cheaper transportation, available transportation, quick transportation would help.

Steel; Pittsburgh. Moving down the Monongahela or Ohio River; moving the steel and the ore up the river from the Great Lakes. All of these things are in this bill. These are investments in our future that will return. Yet, today when you talk about this high expenditure and the opportunity to save money, you would think that this is a giveaway. In fact, a lot of other dreams that we have here, ideas that we suggest. It is a good idea to spend money here and there and elsewhere. But here we are going to get it all back.

I fully understand the disagreement with the authorizing committee. It is one of those things that you have to admit, we have waited 5 years and patiently, and we have tried to work out this year with the fact that, yes, you are going to get that bill, and we are going to try to help you get it. But we were going to make sure that the advance work that ought to be done, and we were going to have the appropriations done then already in place when you did get them authorized.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I just want to clarify, since you used my name, what my amendment actually does. If you were to take all 66 projects that were in the original bill, the authorized and the unauthorized projects, and fully fund them out to completion, it is estimated by your committee, and I think we would agree, that the total cost would be over \$5 billion.

Mr. MYERS of Indiana. Four point four, I believe, to be exact.

Mr. EDGAR. The unauthorized projects would be in the neighborhood of \$3.6 billion. It was our estimate that the corps authorized projects in your bill would be about \$1.5 billion. Those \$1.5 billions of expenditure will in fact be funded and go to the head of the line if the Edgar amendment is accepted, because we have put sufficient funds in to fund from July 1 to October 1, the startup moneys for those authorized projects.

What we were afraid of was that if the whole of the Jamie Whitten amendment is accepted, then if in conference the word "authorized" is taken out of the language, and the unauthorized projects that you have stated would in fact be able to be funded, they would go to the front of the line. We are not suggesting that many of

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3987

those projects are not important, but there are small projects in Oklahoma and Texas and Pennsylvania and California that in fact are very worthy, very necessary, and very ready. Very hungry to be recognized as valuable projects.

We think they ought to have an opportunity, and we think in the Roe bill they are given that opportunity. This provides the opportunity for the corps to work its will on the authorized projects and for our committee to work its will on the unauthorized projects.

Mr. MYERS of Indiana. What the gentleman has done is taken his judgment, and he serves on the authorizing committee, and played it against the judgment of those of us on the Appropriations Committee, and tried to impose his views on us, whoever has the higher priority.

I do not know; I hope ours has the highest priority. We have tried to pick those very critical projects in the country that are critical to jobs, to national security, to safety and security. We have tried to pick those projects that we, in our judgment, believe are national priority not to accommodate certain Members, as was suggested here. We were impugned somewhat as to why we selected certain projects. We did not do that at all.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(By unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 1 additional minute.)

Mr. MYERS of Indiana. The last authorization bill to pass this Congress was in 1976. Fourteen projects for a total of \$478 million. Three of those have been started at this point, for an expenditure of \$177 million. Not the \$4.4 or \$5 billion that the gentleman suggested.

Two more are in this supplemental appropriation. The one before that was 2 years earlier in 1974; I think we had eight projects there. Only two of those have been started to this date. It takes a long time; there is a lot of work that must go into these projects. So to say that we are going to spend \$4 billion in the next 2 or 3 years is inaccurate.

But if we did, if we were to assume that over the next 10 years, that there would be another 10 years before we got an authorizing bill passed, if these totaled out to \$5 billion, that would be an annual appropriation of \$500 million.

We lose more than that in one flood in this country. The loss to the country for one flood in many cases is more than \$500 million. The major ports generate more income than that in 1 year. Yet, they are not today because the ports are not deep enough.

We have selected items that we thought were high priority.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(On request of Mr. HOWARD and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 2 additional minutes.)

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Chairman, in closing, I would just like to ask the gentleman whether he had considered in his concern about the fact that you wait several years, 4 or 5 years for legislation, it passes this body, does not get through the other body, does not become law.

Have you ever thought that perhaps your committee might in some way be contributing to that by letting the powers that be in the other body know that as long as the heavyweights over there on the Appropriations Committee can get their projects through the Appropriations Committee, without bothering with any authorization, that we would then lose any kind of pressure we may have in the other body to get them to accept the bill?

I hope that we will not lose what little clout we have.

Mr. MYERS of Indiana. Did the gentleman last year not say, "After we get it past the House, go ahead and put the money in the appropriation bill." Did the gentleman not say that?

□ 1540

Mr. HOWARD. Yes. Absolutely. I know.

Mr. MYERS of Indiana. That is what we are saying here, too.

Mr. HOWARD. But if we keep giving the other body many of these projects through the appropriations process, it loses any kind of pressure we may have in that entire body to get a bill, and then there are no projects left for the common, ordinary, everyday Member of the House to be authorizing.

Mr. MYERS of Indiana. That is the reason we put the language in here when it was enacted into law, so we would put the teeth into it.

Mr. HOWARD. Before he goes, would the gentleman say that he believes that he is going to come back here and those things that say "unless authorized or enacted into law" will not be funded?

Mr. MYERS of Indiana. Well, the chairman of the committee has been around many more years than I, and he said it is impossible for us to make a promise and keep it. You know that, too. We could do our best, yes.

Mr. HOWARD. Not a promise; a guess.

Mr. MYERS of Indiana. It is impossible for us to make that commitment. You know that when you go. You cannot promise any program is going to be in there, but we can do our best.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the Chairman, of course.

Mr. WHITTEN. May I say, whatever we do is subject to approval by the House of Representatives. If we authorize it in the final passage, it will be authorized.

Mr. MYERS of Indiana. I know the rules of the House. It would have to come back in disagreement.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has again expired.

(On request of Mr. HORTON and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 3 additional minutes.)

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from New York.

Mr. HORTON. I thank the gentleman for yielding.

Mr. Chairman, I do not happen to be on either one of the committees, the authorizing committee or the appropriations committee, but I work very closely with both the appropriating and the authorizing committees, and you have been very helpful to me on these projects.

Mr. MYERS of Indiana. You have a project badly needed.

Mr. HORTON. It just so happens that one of the projects that is included in the list that is authorized, and this one has been authorized since 1945, is a port of refuge on Lake Ontario, and it is very important to the people in Oswego County.

What happened was that the Federal Government made a commitment to do something about this Salmon River, and the State of New York went ahead and spent millions of dollars to stimulate the fishing industry, and now thousands of people are out on Lake Ontario fishing because the State has provided good fishing in that particular area.

What happens is that a sudden storm comes up and those people have no place to go. Fortunately, they have not lost any lives in the last couple of years as a result of not being able to get in, but you can go out of Port Ontario and a half hour later you cannot get back in.

This is one of those projects that is in here that is very important to safety. I certainly do not want to get caught in the middle of a dispute between the Appropriations Committee and the authorizing committee, the Public Works Committee, and I just urge that we authorize these projects, and particularly the one I am talking about.

Mr. MYERS of Indiana. We never have wanted to get enough posture. We have been forced into it to get your project, Moriches Inlet, Ellicott Creek, and Ardsley, NY. You have a number of dangerous areas.

Mr. HORTON. As a matter of fact, we could not do anything earlier because there was a bill pending that passed the House but the Senate did not do anything about it.

H 3988

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

Mr. MYERS of Indiana. That is right. It was not the authorizing committee. We find ourselves, both of us, in the same position. We are trying to help each other out.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I would like to underscore the importance of what the gentleman from New York [Mr. HORTON], has said.

All of us, of course, have our own individual cases and projects of merit. The gentleman from Indiana mentioned Ellicott Creek. I want to tell the House how desperate the conditions are there in Amhurst, NY without this vital flood control project getting started immediately.

Mr. MYERS of Indiana. The gentleman has made it to us many times.

Mr. KEMP. And I appreciate his support and that of Chairman BEVILL, but the point is well made by the gentleman from New York. Many of us on the floor are just caught in this dilemma, betwixt and between, even though I am on the Appropriations Committee. I feel like the gentleman from New York [Mr. HORTON] does. I have a project that has been authorized for a number of years is highly meritorious. It is a small amount of money, and deserves immediate consideration. I listened to both sides, and I can understand the merits, but the gentleman from Indiana is correct. It has been too long. We have to move, and we have to move quickly.

I think that this country has reached a crisis point over Congress' failure to enact a water policy. It has been 9 years since the last water project authorization bill was passed and 15 years since the last major omnibus water bill. Most of the projects included in the gentleman's amendment have been waiting that long or longer to go to construction. In the meantime, people have lost lives, my constituents have lost homes and possessions due to floods and we're eroding confidence in the whole system.

This Whitten amendment would restore only those projects that already have been authorized by Congress. Many of these projects have been requested by the administration. All of them are ones that are desperately needed by our citizens and which have been held up far too long already. I'd like to report on one such project.

It's called the Ellicott Creek flood control project in western New York, and it's a perfect example of what can happen when Congress waits too long to fund water projects. The Ellicott Creek project is authorized, more than meets any cost-sharing requirement, and has been requested in the budget for the last 3 years. The Corps of Engineers has been working on this flood control project for several decades,

and the initial authorization was passed 15 years ago.

The congressional logjam over water projects caught up with Ellicott Creek area residents this winter. In February, Ellicott Creek flooded, forcing hundreds of families to evacuate their homes by boat and flee to emergency shelters. By that evening, many parts of the area looked more like a lake than a peaceful residential community. Streets turned into swiftly moving streams and house rooftops resembled small isolated islands.

Before the creek receded, the flooding caused millions of dollars of damage. Residents returned to find their homes devastated. Walls had collapsed; basements needed to be pumped out; and furnaces, water heaters, pipes, and electrical wiring needed to be ripped out of basements, leaving the homes without heat, water, and electricity.

In addition to the structural damage to their residences, the residents spent weeks throwing out possessions made priceless by their sentimental value or ones for which they had worked long and hard to own. No flood insurance program is able to compensate for throwing out a wedding album or a baby book or an heirloom handed down through generations of a family. No one who has not lived through a disaster of this magnitude can understand the pain, anguish, and anger that the victims feel as they sift through what remains of their personal possessions.

The residents currently live in fear, knowing that Ellicott Creek could flood after any bad storm or heavy snowfall. What makes this situation so frustrating is that the Corps of Engineers has stated that if this project had been built, it would have been more than adequate to contain the floodwaters that wreaked such devastation. These residents must not be forced to live through another devastating flood before Congress acts. I've met with concerned citizens in Amhurst and throughout western New York who represent the vital interests of all those people and families who cry out for action and relief, right now.

I urge my colleagues to act immediately on those projects that would be restored to the bill and which have been approved by Congress. Our constituents already have waited too long for these projects to be built.

Mr. MYERS. We are not trying to make an end run around the authorizing committee. We are trying to get a head start so when they do authorize, we will be out and running. That is all we are trying to do.

Mr. KEMP. I share the gentleman's concern.

Mr. HOWARD. If the gentleman would yield, there is no problem with authorized projects at all. We are all for them in this bill.

Mr. MILLER of Ohio. Mr. Chairman, I wish to draw the House's atten-

tion to the Ohio Valley's most crucial navigational project: Gallipolis locks and dam. There is language in this measure of critical importance to this aging, obsolete compound and its future.

The Army Corps of Engineers wants to replace the existing Gallipolis 600-foot chamber—which was opened to river traffic in 1937—with a modern, safe 1,200-foot chamber to be built within shouting distance of the existing compound. I have introduced legislation authorizing the construction of a new locking chamber.

The history of the proposed project has been marked not by swift legislative action on the Ohio River's worst navigational bottleneck, but by procedural delays, and legislative stalemates which have victimized the project and its promise of brighter economic development in the Ohio Valley.

Gallipolis is the most hazardous locking chamber on the river. It is the only chamber from the Pennsylvania border to the Gulf of Mexico still using a 600-foot main channel for locking. Breaking massive barge tows moving from Pittsburgh to Cincinnati into parcels for locking is the rule, not the exception. Some barge operators refuse to lock through at night. Others refuse to approach Gallipolis' treacherous pools and chamber walls during high water periods. Gallipolis is the only chamber on the Ohio using mooring cells to literally edge barges filled with coal, petroleum, and other commodities into the beaten and battered main chamber. It has the highest accident rate on the Ohio River, averaging 10 mishaps a year for the past 12 years. Damage to Government property, according to the corps, has totaled over \$1 million. Shipping delays due to the small chamber, leave barge traffic backed up for days along Ohio River shores, with the cost of shipping slowdowns being ultimately passed along to the consumer.

There is no justification for not moving ahead with legislation important to Gallipolis. The project has an estimated benefit-to-cost ratio of more than 11 to 1. It has the full support of every state government bordering the Ohio. Actual construction of the new complex will create jobs, hundreds of jobs in a region where the unemployment rate consistently exceeds the national jobless rate. The Corps is working on engineering studies now, but will need full authorization before actual on-site work can begin.

I urge my colleagues to recognize the value of Gallipolis and to give the project the priority it deserves.

Let me highlight one aspect of the project—or delays on it—which warrants noting. The present aged conditions of the compound present ideal circumstances for an environmental calamity of monumental proportions. Barges carrying highly toxic and hazardous chemicals and chemical products are regularly struggling through

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3989

Gallipolis. The accident rate at Gallipolis strongly suggests that it is simply a matter of time—law of averages, if you will—before a chemically-filled raft of barges is slammed into the guardwalls at Gallipolis or ends up spilled into the adjacent dam. The environmental disaster in the wake of such an accident would be nearly overwhelming. Its consequences would threaten lives and water systems and industrial operations along the entire Ohio Valley alley.

Congress has the chance to prevent this disaster-in-the-making. We can assume our responsibility by acting on measures that will give Gallipolis the priority it deserves.

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this relatively new Member is not going to be able to add a great deal of light to our discussions on this very important matter. Perhaps, though, the fact that I cannot, and the dilemma in which I find myself, may be of some benefit to other Members of the House perhaps like myself who are not veterans of the process.

I certainly have enjoyed a very warm and good relationship with my friends on the Appropriations Committee. That is likewise true with regard to my friends on the Public Works Committee. Both committees are led by people who I regard as being in the very front ranks of the people of ability and dedication in this House.

I like to support my friends. It makes it very difficult when my friends do not agree on that which is as important as this and where it affects something which is so important to me and my constituents.

I am one of those caught by the rule-making subject to a point of order projects not authorized, and that does not seem to be unreasonable. I find myself then caught that under the amendment of the gentleman from Mississippi my project is not back in, but there will be money that somebody might give the House an opportunity at a later point when perhaps Public Works has been able to give us an authorization bill where a project might go forward, the project unauthorized, but the authorization for it has been sought for years.

In cost-benefit ratio, as a deepwater navigational project, is better than that of most if not all of the deepwater draft navigation projects which are authorized.

Not having been here for 12 years or more, it is not my fault that my project is not authorized. It is the fault of the process in some manner. I have even deliberated as to is it a practical suggestion to ask that the Committee rise in the hopes that the Committee on Rules might redeliberate on this matter and give us perhaps a rule that produces an accommodation between the problems between the Ap-

propriations and the authorization committees. Wiser heads than mine tell me that that is not a practical alternative.

But, Members of the House, we need a practical alternative. It is not consistent with logic and common sense that the most badly needed projects, for lack of "something magic called authorization" cannot be done, while those which have the magic phrase "authorization" are no less necessary or no more necessary do get done.

Can we not find some way to rationalize this process and please help me out of that incredible dilemma in which I find myself?

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BEDELL asked and was given permission to revise and extend his remarks.)

Mr. BEDELL. Mr. Chairman, I rise in opposition to the amendment offered by Chairman WHITTEN. Enactment of this amendment to add 35 water projects to paragraph one of chapter IV, the energy and water chapter of the bill, would be a defeat for interagency in the Federal budget process.

I would also especially like to commend Representative BOB EDGAR, and Representative TOM PETRI for their leadership on this issue today. Because the rule did not offer underserved protection to the unauthorized projects in the bill, Mr. HOWARD has been able to raise a point of order against the unauthorized projects in the bill instead of offering an amendment to delete them. Since these unauthorized projects have been removed from the bill, why should we object to adding 35 previously authorized projects?

The answer is simple. This is neither the time nor the place to do so. Mr. Chairman, I believe that the issue boils down to this: Either these 35 projects are legitimate and can enter the Federal budget through the front door on their own merits, or they are not legitimate and must go around the budget process to sneak in the back door.

I am not against all water projects; some of these authorized projects are no doubt badly needed and cost effective. But there is no reason why, if they are truly needed, they cannot wait for the regular appropriations cycle and compete for scarce Federal dollars against all other projects and programs. We will be considering the regular fiscal 1986 energy and water appropriations bill within a few months. Who are we trying to fool? What is the hurry?

In talking to my people in Iowa, I find that they have little faith in the credibility of our congressional budget process, and they question whether we in Congress really have the political will to deal with the deficit problem. Supplemental appropriations bills are supposed to be for emergencies. During the last several months, we

have all talked about reducing the deficit. Recently the House and Senate passed budget resolutions that would reduce the deficit proposed by the President by \$56 billion in fiscal 1986. For us to spend weeks debating a budget resolution for fiscal 1986 and then to turn around and stick 35 water projects worth \$1.97 billion onto the tail end of fiscal 1985 would only confirm our constituents' suspicion that the whole budget process is a fake.

Mr. Chairman, with regard to the Edgar amendment to the Whitten amendment, I came down to listen to this because it appears to me that what we have to some extent is a battle between committees. If I understand it correctly, the situation is that, if the wording as it is in the amendment of the gentleman from Mississippi [Mr. WHITTEN] stays in, in conference, then this amendment is not going to do anything for those people whose projects are not yet authorized.

If, indeed, the amendment is deleted in conference, then we will be moving away from the normal process where we move in a normal manner where the legislative committee makes a decision as to what should be authorized and instead turn that over to another committee.

I have real trouble with that. We have serious budgetary problems. We voted in our Committee on Small Business this morning to cut out small business loans in order to save some \$18 million. That is the cost of one little water project. So it would appear to the gentleman from Iowa that if the wording stays in as it is, it is not going to help the gentleman from Texas [Mr. PICKLE] or those people who do not have projects authorized, and if it comes out, then what we are doing is saying we are going to not follow normal legislative process, which gives us some protection.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield to me?

Mr. BEDELL. That is why I took the floor. Is the gentleman from Iowa wrong about that?

□ 1550

Mr. WHITTEN. May I say this: After you wait 10 years for the legislative committee to do what it tries to do and it cannot succeed because of the executive branch or the other body, how long should we wait before we try to help them?

Mr. BEDELL. Well, if we are going to concern ourselves with that—

Mr. WHITTEN. And one other thing. Let me tell you, I asked the staff of the committee and the chairman of the subcommittee to work with our friend from New Jersey, and they did. We wanted to do exactly what they wanted to do, and the fact is they could not get a bill signed into law. We wanted to do what they wanted, and we thought we did.

Mr. BEDELL. I guess the concern of the gentleman from Iowa in this bud-

H 3990

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

etary problem is that we have these problems with the deficits where we are cutting out all sorts of things that are badly needed. The gentleman from Mississippi knows of problems in agriculture and what we need there. For us to say in this case that we are going to bypass the regular legislative process—

Mr. WHITTEN. We are not bypassing it. We have just been working together for 10 years. We asked the committee and the chairman and others, my friends who are doing a whale of a good job, to meet with us, and they met with us and we thought we had worked it out.

Mr. BEDELL. Mr. Chairman, if the gentleman can reclaim his time, it would appear to me that all times to say that we are going to bypass the normal process and go ahead and maybe fund items without ever having them authorized seems to me to be absolutely ridiculous at a time when we are having to cut everything else back.

It is my understanding that the committee is going to meet very, very shortly and can consider it and can authorize the projects that they feel should be authorized. I would hope above all else that we would say that it is important to have some sense about what we do to follow normal legislative process, and particularly not to throw it aside where we may spend money in a different manner, in view of the problems we face.

Mr. COBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage in a colloquy with my colleague, the gentleman from Indiana [Mr. MYERS].

Directing my question to the gentleman from Indiana [Mr. MYERS], as ranking Republican of the Subcommittee on Energy and Water Development, I would like to first outline the situation and then ask a question. The language of the committee report under Randleman Lake states, and I quote:

The committee directs no funds be used for the Randleman Lake project prior to completion of the ongoing studies and prior to the approval of the Committee on Appropriations of the House of Representatives and the Senate.

My question is this: Is it the gentleman's understanding and agreement that no funds will be released for this project until both the Representative of the Fourth District of North Carolina and the Representative of the Sixth District of North Carolina agree that it is appropriate to release those funds?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. COBEY. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, as the gentleman knows, we have discussed this, and the reason the subcommittee put the language in to fence those dollars for Randleman

Lake is because you and the gentleman from North Carolina [Mr. COBLE] have some difference of opinion about what is needed there for flood control, water supply, and recreation.

Mr. COBEY. Right.

Mr. MYERS of Indiana. As the gentleman has stated and as we have stated in the report, there is a study under way, and it is our understanding the study will be forthcoming shortly. The committee feels it will be able to work out, after the study, the differences between you and the gentleman from North Carolina [Mr. COBLE] and your districts to meet the requirements so that we do provide flood control and water.

So that is essentially right, there will be an agreement, and the committee and the other body, along with the House, would have to agree, and, of course, we would have to depend upon the agreement between you and the other gentleman from North Carolina.

Mr. COBEY. There has been one study that has come forward. That is from the Piedmont Council, the Tri-Council of Governments. There is another study coming forth from the Randolph County commissioners. That is the reason it says, "studies."

Is it also the gentleman's understanding that the members of the Committee on Appropriations understand this situation?

Mr. MYERS of Indiana. Yes; I understand that is correct. But we hope this can be expedited, that there will not be study after study. Frequently throughout the country we see these things delayed in this committee because of studies. We hope that we will be able, after we get the final study completed along with the committees and you two gentlemen, to work it out. We hope we can work out what little differences there are there. I think they can be worked out satisfactorily. Certainly I think they can be, because the committee would not have put that project in if we did not think it could be worked out.

Mr. COBEY. Mr. Chairman, I thank the gentleman for his reassurance.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will make this brief. We have had a lot of confusing statements made here, and I know the Members are sincere, and I know everyone is telling it just as he sees it.

As far as my good friend, the gentleman from New Jersey, Mr. BOB ROE, and his subcommittee and the committee chairman, the gentleman from New Jersey [Mr. HOWARD], are concerned, there are no Members in this Congress who ever worked harder to put a bill together to authorize water projects. Practically everybody that was here last October has voted for every project we are talking about today. Not only did we vote to authorize them, we voted to fund them. So I do not really know why we are having such a hard time here now.

We are in an unfortunate situation. We have a very difficult time on appropriations in my subcommittee. We deal with energy and water. We have not had an authorization bill for the U.S. Department of Energy energy programs since it was created. Now, suppose we just followed the advice we got here today to not fund unauthorized projects or activities, then we would not have an energy program. We would have to close the door. There is no authorization. What are we going to do but do the responsible thing, and the rules of the House are flexible enough to permit this to happen.

That is why we have a Rules Committee. The Rules Committee did not do what we asked them to do in this case. Mr. HOWARD and Mr. ROE and I were in there with a group of them yesterday, and we urged them to act. I was willing to do anything to get that authorization bill, because I am for it. I think it is the best authorization bill ever put out by the Public Works Committee. I am for it, and we need it.

It provides a cost-sharing formula that we can follow. It has everything in it that anybody could want. It would authorize 300 projects. We cannot appropriate for all 300 projects in 1 year, of course, but we need to begin somewhere.

Most of everything we have in this bill here and in Mr. WHITTEN's amendment has been passed twice by this House—not once but twice by both committees.

In our appearance yesterday with some of the Rules Committee members, I said that if they would just allow the authorizing bill, we would take it and make it part of our bill. That is not unusual. The subcommittee chairman, the gentleman from Iowa [Mr. SMITH], just mentioned here awhile ago the 600-page anti-crime law that was included in fiscal year 1985 continuing resolution. So we are not establishing any precedents here. Sometimes we have to provide waivers for these matters.

Now, at this time last year our bill had already been passed. It was practically the same thing, and as a matter of fact in October H.R. 6—it is now known as H.R. 6, the good public works authorization bill that I am bragging about here—was part of the continuing resolution passed by the House. It was added to our bill, our appropriation bill, in my section of the bill.

So we do not have anything new here. I think we are getting away from what we are talking about here. But let me say this: These projects are needed. Many of these projects are for flood control, and they are needed. Our friend, the gentleman from Texas [Mr. PICKLE], stood up here and told us how down in Austin, TX, there had been flooding. That is just one of many examples. Just one flood and many of these projects will pay for

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3991

themselves. Actually \$7 on a national average, for every dollar we put into the flood control projects in this Nation. That has been true for the past 200 years. We get back \$7 in benefits for every dollar invested. And we are not talking about lives. We save lives, but we cannot put value on that, certainly.

So we need these projects. We need to move this. We asked the Rules Committee for help. I voted for the rule now, and I respect the Rules Committee. I voted for the rule.

We have got to move. At this time last year these bills were over in the other body. Yes, the other body is going to add some projects to it. There is nothing we can do about that. They are going to add their projects, and I would like for us in the House to get our projects that are necessary, that are needed. These are very critical projects.

I do not have time to explain all these differences here, but I am just saying that I know this: These projects have been studied and the hearings have been held. We have heard months of testimony. We were unanimous, Republicans and Democrats, in support of this bill.

□ 1600

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BEVILL] has expired.

(By unanimous consent, Mr. BEVILL was allowed to proceed for 1 additional minute.)

Mr. BEVILL. We have some good friends here who have never supported a public works project since they have been here and I understand that and that is all right. That is their prerogative and they make some good points and they keep us on our toes; but I am telling you, we need these projects.

Mr. Chairman, I urge a vote against the Edgar amendment and a vote for the Whitten amendment.

Mr. MONSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened quite intently to what has gone on here today. I think the thing that is clear in my mind is that nothing is very clear.

I think it is unfortunate that when we enact legislation, we cannot even rely on the words that are contained in that legislation to do what we want done.

Where I read on page 27 of this act, initiation of construction of these projects is subject where appropriate to enactment of needed authorization legislation, it does not seem to me that we have done anything that would circumvent those that are properly authorized to carry out the authorization.

What I am concerned about however, is the fact that many of the projects that were contained here have been authorized for some time and yet have still not begun construc-

tion. I happen to have one of those located within my own district, so that is very much of importance to me, but I have listened intently as others have described the project in their districts as well. I think that they are of equal importance.

I think it is unfortunate that when we realize that in Salt Lake City a project was authorized in 1968 and when twice since that time flooding has occurred, in 1953, I believe, or 1952 and in 1983, where significant damage was done that could have been prevented had this project already gone forward, I think that we have done a lot that we need to correct as soon as possible.

Now, I, for one, believe that the thing we need to do here today is make sure that the projects that have been authorized or allowed to go forward should be done.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MONSON. I would be happy to yield.

Mr. EDGAR. I would like to make two points to the gentleman. His reference to the sentence on page 27, that sentence no longer exists because it was knocked out by a point of order.

Mr. MONSON. I understand that.

Mr. EDGAR. But the second point is, the gentleman's project in Utah would be fully funded under the Edgar amendment. All the Edgar amendment does is relieve the pressure on the budget of the dollars that would have been included in the Whitten amendment for the unauthorized projects and that is the particular legislative situation that we are in now.

So the gentleman's project is protected under the Edgar amendment and I would urge the gentleman's support.

Mr. MONSON. Mr. Chairman, if I can reclaim my time, I appreciate the two points the gentleman has made. I realize fully that those points are well justified.

My point is this. I hope that in the confusion of getting caught up as to whether or not we should support authorized or unauthorized projects that we would allow those projects that are authorized definitely to go forward, that we would not do anything here today that would inhibit that, that we would work out between us as best we can the ability to accomplish those unauthorized that appear to be so vitally needed as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. EDGAR] to the amendment offered by the gentleman from Mississippi [Mr. WHITTEN].

The question was taken; and the Chairman announced that the nose appeared to have it.

Mr. EDGAR. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of five minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 144]

ANSWERED "PRESENT"—402

Ackerman	Daniel	Hall, Ralph
Addabbo	Dannemeyer	Hamilton
Akaka	Darden	Hammerschmidt
Alexander	Daschle	Hansen
Anderson	Daub	Hartnett
Andrews	Davis	Hawkins
Annunzio	de la Garza	Hayes
Applegate	DeLay	Hefner
Archer	Dellums	Heftel
Armey	DeWine	Hendon
Aspin	Dickinson	Henry
Atkins	Dicks	Hertel
AuCoin	Dingell	Hiler
Badham	DioGuardi	Holt
Barnard	Dixon	Hopkins
Barnes	Donnelly	Horton
Bartlett	Dorgan (ND)	Howard
Barton	Dornan (CA)	Hoyer
Bateman	Dowdy	Hubbard
Bates	Downey	Hughes
Bedell	Dreier	Hunter
Beilenson	Duncan	Hyde
Bennett	Durbin	Ireland
Bentley	Dwyer	Jacobs
Bereuter	Dymally	Jeffords
Bevill	Dyson	Jenkins
Biaggi	Early	Johnson
Bliley	Eckart (OH)	Jones (NC)
Boehlert	Eckert (NY)	Jones (OK)
Boggs	Edgar	Jones (TN)
Boner (TN)	Edwards (CA)	Kanjorski
Bonior (MI)	Edwards (OK)	Kaptur
Bonker	Emerson	Kasich
Borski	English	Kastenmeier
Bosco	Erdreich	Kemp
Boucher	Evans (IA)	Kennelly
Boulter	Evans (IL)	Kildee
Breaux	Fascell	Kindness
Brooks	Fawell	Kleczka
Broomfield	Fazio	Kolbe
Brown (CA)	Feighan	Kolter
Brown (CO)	Fiedler	Kostmayer
Broyhill	Fields	Kramer
Bruce	Fish	LaFalce
Bryant	Flippo	Lagomarsino
Burton (CA)	Florio	Lantos
Burton (IN)	Foglietta	Latta
Bustamante	Foley	Leach (IA)
Byron	Ford (MI)	Lehman (FL)
Callahan	Ford (TN)	Leland
Campbell	Fowler	Lent
Carney	Frank	Levin (MI)
Carper	Franklin	Levine (CA)
Carr	Frost	Lewis (CA)
Chandler	Fuqua	Lewis (FL)
Chappell	Gallo	Lightfoot
Chappie	Garcia	Lipinski
Cheney	Gaydos	Livingston
Clay	Gejdenson	Lloyd
Clinger	Gekas	Loeffler
Coats	Gephardt	Long
Cobey	Gibbons	Lott
Coble	Gilman	Lowery (CA)
Coelho	Gingrich	Lowry (WA)
Coleman (MO)	Glickman	Lujan
Coleman (TX)	Gonzalez	Luken
Collins	Goodling	Lundine
Combest	Gordon	Lungren
Conte	Gradison	Mack
Conyers	Gray (IL)	MacKay
Cooper	Gray (PA)	Madigan
Coughlin	Green	Manton
Courter	Gregg	Markley
Coyne	Grotberg	Marlenee
Craig	Guarini	Martin (IL)
Crane	Gunderson	Martin (NY)
Crockett	Hall (OH)	Martinez

H 3992

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

Mavroules	Pickle	Snowe	Edgar	Leach (IA)	Roukema	Myers	Rostenkowski	Tauzin
Mazzoli	Porter	Snyder	Edwards (CA)	Leland	Rowland (CT)	Natcher	Roth	Taylor
McCain	Price	Solomon	Evans (IA)	Levin (MI)	Savage	Nelson	Rowland (GA)	Thomas (GA)
McCandless	Quillen	Spence	Evans (IL)	Levine (CA)	Saxton	Nichols	Roybal	Torres
McCloskey	Rahall	Staggers	Fawell	Lightfoot	Schaefer	Nowak	Rudd	Traxler
McCollum	Rangel	Stangeland	Fields	Lipinski	Schneider	O'Brien	Russo	Udall
McCurdy	Ray	Stenholm	Florio	Lowry (WA)	Schuette	Oakar	Sabo	Valentine
McDade	Regula	Strang	Foglietta	Lujan	Schulze	Obeys	Scheuer	Visclosky
McEwen	Reid	Stratton	Ford (TN)	Lundine	Schumer	Ortiz	Shelby	Volkmer
McGrath	Richardson	Studds	Fowler	Lungren	Seiberling	Owens	Sisisky	Vucanovich
McHugh	Ridge	Stump	Frank	Mack	Sensenbrenner	Panetta	Skeen	Walgren
McKernan	Rinaldo	Sundquist	Frenzel	MacKay	Sharp	Pashayan	Skelton	Watkins
McKinney	Ritter	Sweeney	Fuqua	Madigan	Shaw	Pease	Slaughter	Whitehurst
McMillan	Roberts	Swift	Gallo	Manton	Shumway	Pepper	Smith (FL)	Whitley
Meyers	Robinson	Swindall	Gejdenson	Markey	Shuster	Perkins	Smith (IA)	Whitten
Mica	Rodino	Synar	Gekas	Martin (IL)	Sikorski	Pickle	Smith (NE)	Wright
Michel	Roe	Tallon	Gingrich	Martinez	Siljander	Price	Spence	Wyden
Mikulski	Roemer	Tauke	Glickman	Mavroules	Slatery	Quillen	Staggers	Yatron
Miller (OH)	Rogers	Tauzin	Goodling	McCollum	Smith (NH)	Rahall	Strang	Young (AK)
Miller (WA)	Rose	Taylor	Gradison	McEwen	Smith (NJ)	Rangel	Stratton	Young (FL)
Mineta	Rostenkowski	Thomas (CA)	Gray (IL)	McKernan	Smith, Denny	Reid	Stump	Young (MO)
Mitchell	Roth	Thomas (GA)	Gray (PA)	McKinney	Smith, Robert	Rogers	Swift	
Moakley	Roukema	Torres	Green	McMillan	Snowe	Rose	Synar	
Molinari	Rowland (CT)	Torricelli	Gregg	Meyers	Snyder			
Mollohan	Rowland (GA)	Towns	Grotberg	Michel	Solomon			
Monson	Roybal	Trafficant	Guarini	Miller (WA)	Stangeland			
Montgomery	Rudd	Traxler	Gunderson	Mitchell	Stenholm			
Moody	Russo	Udall	Hall (OH)	Moakley	Studds			
Moore	Sabo	Valentine	Hammerschmidt	Monson	Sundquist			
Moorhead	Savage	Vander Jagt	Hansen	Moody	Sweeney			
Morrison (WA)	Saxton	Vento	Hartnett	Moorhead	Swindall			
Mrazek	Schaefer	Visclosky	Hayes	Mrazek	Tallon			
Murphy	Schneider	Volkmer	Heftel	Nielson	Tauke			
Murtha	Schuette	Vucanovich	Hendon	Oberstar	Thomas (CA)			
Myers	Schulze	Walgren	Henry	Olin	Torricelli			
Natcher	Schumer	Walker	Hertel	Oxley	Towns			
Nelson	Seiberling	Watkins	Hiler	Packard	Trafficant			
Nichols	Sensenbrenner	Waxman	Hopkins	Parris	Vander Jagt			
Nielson	Sharp	Weber	Howard	Penny	Vento			
Nowak	Shaw	Weiss	Hughes	Petri	Walker			
O'Brien	Shelby	Whitehurst	Hyde	Porter	Waxman			
Oakar	Shumway	Whitley	Ireland	Ray	Weber			
Oberstar	Shuster	Whittaker	Jacobs	Regula	Weiss			
Obeys	Sikorski	Whittaker	Jeffords	Richardson	Wheat			
Olin	Siljander	Whitten	Johnson	Ridge	Whittaker			
Ortiz	Sisisky	Williams	Kastenmeier	Rinaldo	Williams			
Owens	Skeen	Wolf	Kennelly	Ritter	Wolf			
Oxley	Skelton	Wolpe	Kildee	Roberts	Wolpe			
Packard	Slatery	Wortley	Kindness	Robinson	Wortley			
Panetta	Slaughter	Wright	Kostmayer	Rodino	Yates			
Parris	Smith (FL)	Wyden	Lantos	Roe	Zschau			
Pashayan	Smith (IA)	Yates	Latta	Roemer				
Pease	Smith (NE)	Yatron						
Penny	Smith (NH)	Young (AK)						
Pepper	Smith (NJ)	Young (FL)						
Perkins	Smith, Denny	Young (MO)						
Petri	Smith, Robert	Zschau						

□ 1620

The CHAIRMAN. Four hundred two Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. EDGAR] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair announces that 5-minutes will be allowed for this vote.

The vote was taken by electronic device, and there were—ayes 203, noes 202, not voting 28, as follows:

[Roll No. 145]

AYES—203

Ackerman	Borski	Conyers
Anderson	Bosco	Cooper
Andrews	Broomfield	Coughlin
Annuzio	Brown (CA)	Courter
Archer	Brown (CO)	Coyne
Armey	Broyhill	Dannemeyer
Atkins	Bryant	Daub
Barnes	Burton (IN)	Davis
Bartlett	Carper	de la Garza
Barton	Chandler	DeWine
Bates	Clay	Dingell
Bedell	Clinger	Donnelly
Beilenson	Coats	Dreier
Bentley	Collins	Dymally
Berman	Combest	Early
Bonior (MI)	Conte	Eckert (NY)

NOES—202

Addabbo	DeLay	Jones (NC)
Akaka	Dellums	Jones (OK)
Alexander	Dickinson	Jones (TN)
Anthony	Dicks	Kanjorski
Applegate	DioGuardi	Kaptur
Aspin	Dixon	Kasich
AuCoin	Dorgan (ND)	Kemp
Badham	Dornan (CA)	Klecza
Barnard	Dowdy	Kolbe
Bateman	Downey	Kolter
Bennett	Duncan	Kramer
Bereuter	Durbin	LaFalce
Bevill	Dwyer	Lagomarsino
Biaggi	Dyson	Lehman (FL)
Bliley	Eckart (OH)	Lent
Boehlert	Edwards (OK)	Lewis (CA)
Boggs	Emerson	Lewis (FL)
Boner (TN)	English	Livingston
Bonker	Erdreich	Lloyd
Boucher	Fascell	Loeffler
Boulter	Fazio	Long
Breaux	Feighan	Lott
Brooks	Fish	Lowery (CA)
Bruce	Flippo	Luken
Burton (CA)	Foley	Marienne
Bustamante	Ford (MI)	Martin (NY)
Byron	Franklin	Mazzoli
Callahan	Frost	McCain
Campbell	Garcia	McCandless
Carney	Gaydos	McCloskey
Carr	Gephardt	McCurdy
Chappell	Gibbons	McDade
Chappie	Gilman	McGrath
Cheney	Gonzalez	McHugh
Cobey	Gordon	Mica
Coble	Hall, Ralph	Mikulski
Coelho	Hamilton	Miller (OH)
Coleman (MO)	Hawkins	Mineta
Coleman (TX)	Hefner	Molinari
Craig	Holt	Mollohan
Crane	Horton	Montgomery
Crockett	Hoyer	Moore
Daniel	Hubbard	Morrison (WA)
Darden	Hunter	Murphy
Daschle	Jenkins	Murtha

NOT VOTING—28

Bilirakis	Lehman (CA)	Stallings
Boland	Matsui	Stark
Boxer	Miller (CA)	Stokes
Derrick	Morrison (CT)	Weaver
Fiedler	Neal	Wilson
Hatcher	Pursell	Wirth
Hillis	Schroeder	Wise
Huckaby	Solarz	Wylie
Hutto	Spratt	
Leath (TX)	St Germain	

□ 1630

Messrs. COEHLO, REID, and DARDEN changed their votes from "aye" to "no."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Chairman, I rise in support of the Whitten amendment.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise in strong support of the Whitten amendment which restores funding for water projects in chapter IV, the energy and water development section of the supplemental appropriations bill. While I believe we must do everything we can to hold down the ballooning deficit, our Nation cannot afford to wait any longer on appropriating money for new water project construction starts. The funding level provided for in the amendment is rather modest when one considers no funds have been approved for new starts since 1979.

Mr. Chairman, we must not forget that failure to enact funding for these water projects exacts a human cost. While we fail to act, people are being subjected to the ravages of flooding which claims life and property. For example, in my 22d Congressional District of New York, the village of Ardsley located in Westchester County, has over the years been devastated by the overflow of the Saw Mill River. Congress first approved the examination of this project 30 years ago. In the 1976 water resources project bill, the last such bill to pass the Congress, the Ardsley flood control project was authorized.

Gentlemen, the time has come to stop procrastinating on issues so important to our Nation. On April 5,

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3993

1984, Ardsley with other communities in the New York and New Jersey area were devastated by torrential rains. When the storm cleared, one could float a boat on Main Street. While this was certainly not the first time Ardsley was severely flooded, the devastation was so pervasive that the President declared Ardsley along with the entire region a Federal disaster area. Both the community and the residents received some financial aid to alleviate their plight—But it is never enough. It is far better to allocate these moneys to prevent floods, than to spend the money year after year just to clean up the flood debris.

It is time for the Congress to forge a new water resources policy. Our inaction has resulted in increased cost-sharing requirements being imposed on water projects by the executive branch, a legislative prerogative which we have failed to exercise. We must determine whether the ability to pay should be the criteria which we wish to have applied to the decisionmaking process. It is the very communities which can least afford the added contribution, that are most desperate for the time of completion of these sorely needed projects. I am pleased to see that water resources section of the supplemental subjects any project included within this bill to a future cost-sharing arrangement. I would also hope a bill containing such a provision will come to the floor in the near future.

Accordingly, I urge support for the Whitten amendment. Most of us have some "Main Streets" in jeopardy. Too many Americans live in constant fear that the next storm could leave their possessions, their homes and businesses floating, or far worse—it could result in loss of life.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WHITTEN] as amended.

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 325, noes 74, not voting 34, as follows:

(Roll No. 146)

AYES—325

Ackerman	Beilenson	Brooks
Addabbo	Bennett	Brown (CA)
Akaka	Bentley	Bruce
Alexander	Bereuter	Bryant
Anderson	Berman	Burton (CA)
Andrews	Bevill	Bustamante
Annunzio	Biaggi	Byron
Anthony	Bliley	Callahan
Archer	Boehlert	Campbell
Aspin	Boggs	Carney
Atkins	Boner (TN)	Carr
AuCoin	Bonior (MI)	Chandler
Badham	Bonker	Chappell
Barnard	Borski	Chappie
Barnes	Bosco	Cheney
Barton	Boucher	Clay
Bateman	Breaux	Clinger

Cobey	Howard	Perkins
Coble	Hoyer	Pickle
Coelho	Hubbard	Pricke
Coleman (MO)	Hughes	Quillen
Coleman (TX)	Hunter	Regula
Collins	Ireland	Reid
Combest	Jenkins	Richardson
Conyers	Johnson	Ridge
Cooper	Jones (NC)	Rinaldo
Coughlin	Jones (OK)	Roberts
Courter	Jones (TN)	Robinson
Coyne	Kanjorski	Rodino
Craig	Kaptur	Roe
Crockett	Kasich	Roemer
Daniel	Kemp	Rogers
Darden	Kennelly	Rose
Daschle	Kindness	Rostenkowski
Daub	Kolbe	Rowland (CT)
Davis	Kolter	Rowland (GA)
de la Garza	Kostmayer	Roybal
DeLay	Kramer	Rudd
Dellums	LaFalce	Russo
DeWine	Lagomarsino	Sabo
Dickinson	Lantos	Savage
Dicks	Lehman (FL)	Saxton
Dingell	Leland	Schaefer
DioGuardi	Lent	Scheuer
Dixon	Levin (MI)	Schuette
Donnelly	Lewis (CA)	Schumer
Dorgan (ND)	Lewis (FL)	Seiberling
Dornan (CA)	Lipinski	Shaw
Dowdy	Lloyd	Shelby
Downey	Loeffler	Shumway
Duncan	Long	Shuster
Durbin	Lowery (CA)	Skeen
Dwyer	Lowry (WA)	Skelton
Dymally	Lujan	Slattery
Dyson	Luken	Slaughter
Early	Lundine	Smith (FL)
Eckart (OH)	Lungren	Smith (IA)
Edwards (CA)	Madigan	Smith (NE)
Edwards (OK)	Manton	Smith (NJ)
Emerson	Markey	Snowe
English	Marlenee	Snyder
Erdreich	Martin (NY)	Spence
Evans (IL)	Martinez	Staggers
Fascell	Mazzoli	Stangeland
Fazio	McCain	Stenholm
Feighan	McCandless	Strang
Fiedler	McCloskey	Stratton
Fields	McCurdy	Studds
Fish	McDade	Stump
Filippo	McEwen	Sundquist
Florio	McGrath	Swift
Foglietta	McHugh	Synar
Foley	McKernan	Tallon
Ford (MI)	McKinney	Tauzin
Ford (TN)	Meyers	Taylor
Fowler	Mica	Thomas (GA)
Frank	Mikulski	Torres
Franklin	Miller (OH)	Torrice
Frenzel	Mineta	Towns
Frost	Mitchell	Trafficant
Puqua	Moakley	Traxler
Gallo	Molinari	Udall
Garcia	Mollohan	Valentine
Gaydos	Monson	Vander Jagt
Geldenson	Montgomery	Visclosky
Gephardt	Moore	Volkmer
Gibbons	Morrison (WA)	Vucanovich
Gilman	Mrazek	Walgren
Gingrich	Murphy	Watkins
Glickman	Murtha	Waxman
Gonzalez	Myers	Weiss
Goodling	Natcher	Wheat
Gordon	Nelson	Whitehurst
Gray (IL)	Nichols	Whitley
Gray (PA)	Nielson	Whittaker
Guarini	Nowak	Whitten
Gunderson	O'Brien	Williams
Hall (OH)	Oakar	Wolf
Hall, Ralph	Oberstar	Wolpe
Hamilton	Ortiz	Wortley
Hammerschmidt	Owens	Wright
Hawkins	Oxley	Wyden
Hayes	Packard	Yates
Hefner	Panetta	Yatron
Heftel	Parris	Young (AK)
Hendon	Pashayan	Young (FL)
Holt	Pease	Young (MO)
Hopkins	Penny	
Horton	Pepper	

NOES—74

Applegate	Boulter	Carper
Armey	Broomfield	Coats
Bartlett	Brown (CO)	Conte
Bates	Broyhill	Dannemeyer
Bedell	Burton (IN)	Dreier

Eckert (NY)	Latta	Roth
Edgar	Leach (IA)	Roukema
Evans (IA)	Lightfoot	Schneider
Fawell	Livingston	Schulze
Gekas	Lott	Sensenbrenner
Gradison	Mack	Sharp
Green	MacKay	Sikorski
Gregg	Martin (IL)	Siljander
Grotberg	McCollum	Smith (NH)
Hansen	McMillan	Smith, Denny
Hartnett	Michel	Smith, Robert
Henry	Müller (WA)	Solomon
Hertel	Moody	Sweeney
Hiler	Moorhead	Swindall
Hyde	Obey	Tauke
Jacobs	Olin	Vento
Jeffords	Petri	Walker
Kastenmeier	Porter	Weber
Kildee	Ray	Zschau
Klecza	Ritter	

NOT VOTING—34

Bilirakis	Matsui	St Germain
Boland	Mavroules	Stallings
Boxer	Miller (CA)	Stark
Crane	Morrison (CT)	Stokes
Derrick	Neal	Thomas (CA)
Hatcher	Pursell	Weaver
Hillis	Rahall	Wilson
Huckaby	Rangel	Wirth
Hutto	Schroeder	Wise
Leath (TX)	Sisisky	Wyllie
Lehman (CA)	Solarz	
Levine (CA)	Spratt	

□ 1650

Mr. SWINDALL changed his vote from "aye" to "no."

Mr. BATEMAN changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. NATCHER] having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unavoidably absent earlier today due to a prior commitment in New York. Had I been present I would have voted "no" on rollcall No. 142, on approval of the Journal of June 5, 1985. I also would have voted "aye" on rollcall No. 143, relating to adoption of the rule for consideration of H.R. 2577 making supplemental appropriations for fiscal year 1985.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I took this time for the purpose of inquiring of the majority leader the program for the balance of the week.

I yield to the gentleman from Texas, the majority leader [Mr. WRIGHT].

H 3994

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

Mr. WRIGHT. I thank the gentleman for yielding to me.

Mr. Speaker, I will be glad to respond to the gentleman's question. This concludes the business for today, and for the remainder of this week. There will be no session tomorrow.

On Monday, there will be a pro forma session, with the House meeting at noon. On Tuesday, we will resume consideration of the supplemental appropriations bill, and probably will continue on Wednesday. We will come in at 10 o'clock on Wednesday and Thursday. We hope to conclude consideration of this supplemental appropriations bill on Wednesday at the latest.

On Thursday, the House will recess after convening in order that we may hear the Prime Minister of India address a joint meeting of Congress. Then we will take up H.R. 1555, the foreign assistance authorization bill, and H.R. 1452, the refugee assistance authorization.

Mr. MICHEL. I notice the chairman of the Appropriations Committee was on the floor, and he is conversant with this supplemental that we have just been considering. I am wondering whether or not it is expected that the balance of the supplemental, exclusive of the Nicaraguan debate, would consume all the time on Tuesday, or would we expect to complete action on everything but Nicaragua Tuesday and then still have sufficient time to go into that matter? Naturally, then I would suspect it would spill over until Wednesday; if we are going to leave or adjourn at some reasonable hour on Tuesday?

Mr. WRIGHT. If the gentleman would yield, I would expect that it just depends upon how much time is consumed concluding the other matters in the bill.

As the gentleman knows, we have a full day's schedule dealing with those four specific offerings that have been made in order under the rule with respect to Nicaragua. That will take 6 hours of general debate. That is a full day's work.

If we are not able to finish the remainder of this bill at an early time on Tuesday, we would just go over until Wednesday and devote all of Wednesday to the proposition of the four Nicaragua votes that are made in order under the rule.

Mr. MICHEL. I understand, I think that is all the questions I have. Thank you.

ADJOURNMENT TO MONDAY, JUNE 10, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST FOR DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that business under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mr. BLAZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from New York [Mr. GREEN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

□ 1030

ENDING THE BATTLE OVER WIC

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, David Stockman sometimes moves in mysterious ways.

Each year for several years now, the Director of OMB has chosen to pick a fight with Congress over what many of us would have thought to be a wholly innocuous program: the Supplemental Food Program for Women, Infants and Children [WIC]. For the past 6 months, various Members of both Houses have bargained, cajoled, and threatened to sue OMB to force the release of the full appropriation for WIC. Both Houses included statements in their budget resolutions appealing for the release of the WIC funds. All to no avail.

Then yesterday, as this body was on the verge of forcing OMB's hand through a legislative directive contained in the supplemental appropriations bill, OMB relented. The disputed money was to be disbursed to the States after all. While I am pleased that many thousands of pregnant women and little children who would otherwise have lost assistance will now be able to eat a decent diet, I am disturbed by the implications of the way in which the conflict over WIC has played itself out.

Last year Congress appropriated \$1.5 billion for WIC. Of that sum, \$1.255 billion was intended for the first 10 months of the fiscal year, and \$245 million was earmarked for the last 2. Displaying a generous, if imprudent,

degree of faith in OMB's trustworthiness, Congress made the appropriation for August and September contingent on an Executive budget request. When that request arrived, it fell \$76 million short of the level set out by Congress.

Now \$76 million may not sound like a grand sum. Why just the other day, the Secretary of Defense miraculously found \$4 billion floating in the Pentagon's accounts. But when it comes to buying orange juice, milk, and eggs, \$76 million still goes a long way.

By withholding the \$76 million, OMB would have forced a 7.7 percent reduction in the number of people receiving WIC assistance nationwide. That would have meant more than 235,000 pregnant women, infants, and young children denied access to adequate amounts of basic nutrients. In my own home state of Ohio, some 25,000 women and babies would have lost WIC coverage.

With regard to WIC, the fundamental human issue is simple: Will we help poor pregnant women, often teenagers, bring healthy children into the world or will we condemn them to bear offspring disadvantaged from birth? A recent study of the WIC Program in Massachusetts, carried out by the State department of public health, found that women on WIC have babies that weigh more, are more mature, and are less likely to die shortly after birth than babies born to comparable women not receiving nutritional assistance.

The way in which the fight over WIC has been resolved, though, raises a political issue as well. OMB's withholding of WIC funding is by no means the first instance in which OMB has deliberately flaunted Congress' spending authority. A similar conflict recently developed, for example, over the level of funding for research grants at the National Institutes of Health. When it comes to assigning blame for the deficit, no one is more eager to remind the Nation of Congress' power over spending than David Stockman. When the spending is not to Mr. Stockman's liking, it seems, he is less particular about his adherence to constitutional principles.

Rather than wasting time, effort, and taxpayers' money forcing OMB to carry out its responsibilities as each of these cases arises, perhaps Congress should consider a general legislative remedy that would remove OMB's obstructive capabilities. Such a move would almost certainly increase the efficiency of government—a cause that the Director of OMB has always championed.

TAX SIMPLIFICATION, A WELCOME CONCEPT

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3995

Mr. DARDEN. Mr. Speaker, Thomas Jefferson once said,

The accounts of the United States of America ought to be . . . made as simple as those of the common farmer, and capable of being understood by common farmers.

The present tax system, however, is a far cry from the simple method of collecting revenue Jefferson envisioned. Since the adoption of the 16th amendment to the Constitution in 1913, the simplicity of our Tax Code has been usurped by a complicated system of loopholes and deductions which only a few understand.

Our current tax system suffers from a number of structural deficiencies such as a narrow tax base that forces high marginal rates on taxable income; unfavorable interaction of the tax system with inflation which arbitrarily increases real tax burdens; and a wide array of corporate and individual tax preferences that distort economic choices and misallocate resources. Presently, a number of investments, methods of financing, and industries are favored in the tax system over others. As a result, how to finance, how to produce, and what to produce are too often motivated by tax considerations rather than by what consumers want and the real cost of resources in production.

Mr. Speaker, when investments and other economic choices are made for tax rather than fundamental business reasons, our Nation's resources are squandered. I believe it is time that we regain control of our tax system and stop allowing it to dictate our personal and business decisions. Accordingly, I am pleased that the President and leaders in Congress—both Democratic and Republican—are supporting proposals for tax simplifications. The taxpayers of this Nation have in recent years expressed their disdain for the present tax system and are calling for changes to simplify our Tax Code.

Since the 99th Congress convened, more than 10 bills have been introduced calling for simplification in the form of a flat tax or a modified flat tax. The bills that are currently receiving the most serious consideration include the Bradley-Gephardt and the Kemp-Kasten modified flat tax proposals. The support that these proposals have gained from both parties is indicative of the bipartisan support in Congress for tax reform.

I agree in principle with the President's efforts to make sweeping changes to our tax system as outlined in his tax proposals to the Congress for fairness, growth, and simplicity. Like the President, I believe we cannot allow tax reform to be a disguise for a tax increase. Lower tax rates will stimulate work, encourage savings and investment, and discourage unproductive tax shelters. The President's proposal would replace the present system of 14 brackets with 3 simple brackets of 15, 25, and 35 percent. These rate changes, however, will be feasible only

if the taxable income base is broadened. I will not support changes which shift the tax burden to those already paying their fair share of taxes.

Many areas of the Tax Code need reform to increase fairness for families and mainstream America. Our tax system should work to the advantage of the American family, giving it strength rather than being a constant strain. The value of the personal exemption must be restored and indexed to keep pace with inflation. The provisions in our Tax Code which discriminate against spouses working in the home must be eliminated. The tax system must be restructured so that all income is taxed uniformly and consistently by being subject to the same rules.

Although I agree with much of the President's proposal, I am opposed to certain particulars. I am in favor of simplifying the complex system of itemized deductions, exclusions and special credits. I do not, however, believe the deduction for State and local taxes should be eliminated. I recognize the need to close loopholes that allow deductions for entertainment and business meals. Yet, I do not agree that compensation such as health benefits, life insurance, and retirement plans can be included as taxable income.

Beyond the fairness that rate reductions, base broadening, and elimination of special preferences the President's proposal will provide, Congress must work to insure that the overall proposal we pass is fair in order to restore the faith of the American people in their tax system. We must also insure that any tax reform measure continue fostering growth in business. Mr. Speaker, we must give the American people a tax system that encourages them to work, save, and invest; that rewards their decision to take risks; and which allows them to allocate resources efficiently based on economic rather than tax considerations. Our goal should be to create a Tax Code which balances the necessary revenues of our Government and the equity, efficiency, and simplicity the American people deserve in a fair tax system.

□1700

CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. DERRICK] is recognized for 5 minutes.

● Mr. DERRICK. Mr. Speaker, on behalf of Chairman WILLIAM H. GRAY III, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting the official letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1985. Since my last report, the conference report to

accompany H.R. 1869, "Repeal of Contemporaneous Recordkeeping"—loss of \$150 million in revenues—has been ratified by both bodies and signed into law.

The current level is used to compare enacted spending after the start of a fiscal year with the aggregate ceiling on budget authority, outlays, and revenues established in a second budget resolution and enforced by point of order pursuant to section 311(a) of the act. The term current level refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As with last year, the procedural situation with regard to the spending ceiling is affected this year by section 4(b) of House Concurrent Resolution 280. Enforcement against possible breaches of the spending ceiling under section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and will cease to apply if Congress revises the budget resolution for fiscal year 1985.

The intent of the section 302(a) "discretionary budget authority" and "new entitlement authority" subceiling provided by section 4(b) of the resolution is to protect a committee that has stayed within its own spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 280 were printed in the CONGRESSIONAL RECORD, September 25, 1984, H 10190 (H. Rept. 98-1079, page 32).

As Chairman of the Budget Process Task Force, and on behalf of Chairman GRAY, I intend to keep the House informed regularly on the status of current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, June 5, 1985.

HON. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 280, the First Concur-

H 3996

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

rent Resolution on the Budget for Fiscal Year 1985. This report reflects the adopted budget resolution of October 1, 1984, and the current CBO estimates of budget authority, outlays, and revenues.

As with last year, the procedural situation with regard to the spending ceiling is affected this year by Section 4(b) of H. Con. Res. 280. Enforcement against possible breaches of the spending ceiling under Section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to Section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and will cease to apply if Congress revises the budget resolution for fiscal year 1985.

The intent of the Section 302(a) "discretionary budget authority" and "new entitlement authority" subcelling provided by Section 4(b) of the resolution is to protect a committee that has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 280 were printed in the CONGRESSIONAL RECORD, September 25, 1984, H 10190 (H. Rept. 98-1079), page 32).

The attached tables compare actual legislation to each committee's 302(a) allocation of discretionary budget authority and of new entitlement authority.

With best wishes,
Sincerely,

WILLIAM H. GRAY III,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1985 CONGRESSIONAL BUDGET, ADOPTED IN HOUSE CONCURRENT RESOLUTION 280

REFLECTING COMPLETED ACTION AS OF JUNE 4, 1985

(In Millions of dollars)

	Budget authority	Outlays	Revenues
Appropriate level.....	1,021,350	932,050	750,900
Current level.....	1,015,965	933,359	750,589
Amount Under Ceilings.....	5,385		
Amount Over Ceilings.....		1,309	
Amount Under Floor.....			311

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds \$5,385 million for fiscal year 1985, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 280 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate in outlays for fiscal year 1985, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 280 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1985, if adopted and

enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 280.

Fiscal year 1985 budget authority comparison of current level and budget resolution allocation by committee

(In millions of dollars)

	Current level	Budget Authority
House Committee:		
Total current level.....	-5,385	
Appropriations Committee:		
Discretionary.....	(-4,497)	
Authorizing committee—Discretionary action:		
Agriculture.....	(-90)	
Armed Services.....	(+276)	
Banking, Finance, and Urban Affairs.....	(...)	
District of Columbia.....	(...)	
Education and Labor.....	(...)	
Energy and Commerce.....	(-4)	
Foreign Affairs.....	(...)	
Government Operations.....	(...)	
House Administration.....	(...)	
Interior and Insular Affairs.....	(+2)	
Judiciary.....	(+50)	
Merchant Marine and Fisheries.....	(+15)	
Post Office and Civil Service.....	(+1)	
Public Works and Transportation.....	(-713)	
Science and Technology.....	(...)	
Veterans' Affairs.....	(...)	
Ways and Means.....	(+50)	
Less than \$1 million.....		

NOTE.—Committees are over (+) or under (-) their 302(a) allocation.

FISCAL YEAR 1985 NEW ENTITLEMENT AUTHORITY COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE

(In millions of dollars)

Committee	Allocation	Reported	Enacted
Agriculture.....		3,600	
Appropriations.....			
Armed Services.....	1,900	1,500	1,663
Banking, Finance and Urban Affairs.....			
District of Columbia.....		1	1
Education and Labor.....	202	-306	
Energy and Commerce.....		3	4
Foreign Affairs.....			
Government Operations.....			
Interior and Insular Affairs.....		1	1
Judiciary.....			
Merchant Marine and Fisheries.....			
Post Office and Civil Service.....			
Public Works and Transportation.....			
Science and Technology.....			
Small Business.....			
Veterans Affairs.....	402	503	432
Ways and Means.....	40	254	201

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 4, 1985.

Hon. WILLIAM H. GRAY III,
Chairman, Committee on the Budget, U.S.
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1985 budget (H. Con. Res. 280). This report for fiscal year 1985 is tabulated at a close of business May 20, 1985, and is based on assumptions and estimates consistent with H. Con. Res. 280. A summary of this tabulation is as follows:

(In millions of dollars)

	Budget authority	Outlays	Revenues
Current level.....	1,015,965	933,359	750,589
1985 Budget Resolution, H. Con. Res. 280.....	1,021,350	932,050	750,900
Current level is:			
Over resolution by.....			1,309
Under resolution by.....	5,385	311	

Since my last report the Congress has cleared the Automobile Recordkeeping Repeal Bill, H.R. 1869, which decreases revenues by \$150 million.

With best wishes,

Sincerely,

RUDOLPH G. PENNER,
Director.

PARLIAMENTARIAN STATUS REPORT HOUSE SUPPORTING
DETAIL, FISCAL YEAR 1985 AS OF CLOSE OF BUSINESS
JUNE 4, 1985

(In millions of dollars)

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds.....	651,994	579,636
Enacted previous session.....	543,411	534,273
Offsetting receipts.....	-184,669	-184,669
Enacted this session:		
Appropriation Bills:		
Appropriations for the MX missile (P.L. 99-18).....		79
Famine relief and recovery in Africa (P.L. 99-10).....	784	289
Legislative Bills:		
Federal Supplemental Compensation Phaseout (P.L. 99-15).....	160	160
Total enacted this session.....	944	528
Total enacted.....	1,011,679	929,768
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Assistance payments.....	23	23
Black lung trust fund.....	25	25
Child support enforcement.....	82	82
Civilian agency pay raise allowance.....	777	803
Coast Guard pay raise allowance.....	25	24
Defense pay raise allowance.....	2,242	2,201
Defense claims.....	20	3
Family social services.....	20	20
Medicaid.....	7	7
Public Health Service officers retirement pay.....	3	
Range improvements.....	2	2
Readjustment benefits.....	163	156
Salaries of judges.....	5	5
Student loans.....	498	
Supplemental security income.....	5	
Veterans compensation.....	389	241
Total.....	4,286	3,591
III. Continuing resolution authority.....		
IV. Conference agreements ratified by both Houses:		
Total, current level as of June 4, 1985.....	1,015,965	933,359
1985 budget resolution, H. Con. Res. 280.....	1,021,350	932,050
Amount remaining:		
Over ceiling.....		1,309
Under ceiling.....	5,385	

Note.—Detail may not add due to rounding.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, I was obliged for personal reasons to return to my district yesterday afternoon and to miss four rollcall votes on H.R. 1460, the Anti-Apartheid Act of 1985. If I had been present to vote, I would have voted against the substitutes proposed by Representatives GUNDERSON and DELLUMS, against the motion to recommit with instructions, and for final passage.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

COYNE SUPPORTS THE MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, I strongly support the action taken yesterday by the House when it approved the Medicare and Medicaid Patient and Program Protection Act.

Health care professionals who work with Medicare and Medicaid are now licensed by individual States and, as a matter of course, may be licensed by more than one jurisdiction. When a State revokes or suspends a license to operate because an individual does not meet professional standards, that practitioner's ability to practice ends in that State.

Sanctions in one State, however, do not prohibit a practitioner from operating in another State. Indeed, in some instances, State law prohibits actions against a practitioner based solely on another State's sanctions. States willing to act may be unaware of sanctions taken elsewhere and, when made aware, can be slow to act. In some States, the sanction process can take up to 3 years.

Current law also limits the Federal Government in any effort to prevent certain abuses by health care providers. The Department of Health and Human Services can exclude from Medicare and Medicaid participation those health care practitioners who commit acts against the program and program beneficiaries. HHS is not empowered to exclude from program participation individuals convicted of such crimes as fraud, financial abuse, neglect of patients or unlawful distribution of controlled substances. Moreover, HHS cannot impose a nationwide sanction on individuals or entities sanctioned by a State. Most sanctions are thus necessarily limited to State-by-State action.

This situation opens the door to serious abuses of the Medicare and Medicaid Programs as violators fall through the legislative cracks. A comparison of State and Federal sanctions is revealing. From 1977 to 1982, State licensing boards in Pennsylvania, Michigan, and Ohio sanctioned 328 practitioners, more than half of whom failed to meet professional standards. Meanwhile, the Federal Government, for the period from 1975 to 1982, excluded only 335 practitioners nationwide. Of the 328 sanctioned by the three States, only 15 were also excluded by HHS.

This legislation would change that. Any individual or entity whose license is suspended by a State board would be forbidden to operate in all State Medicare and Medicaid Programs. In addition, HHS could bar from participation persons convicted of criminal offenses related to theft, fraud, embezzlement or financial abuse in connection with health care delivery. Those convicted of certain drug offenses could be barred as well. Individuals or entities convicted of a program-related crime would be excluded from program participation for a minimum of 5 years.

Mr. Speaker, Medicare and Medicaid patients deserve comprehensive protection from abuses, which is why I voted in favor of passage of the Medicare and Medicaid Patient and Program Protection Act.

THE HISTORIC SITES ACT: FIFTY YEARS OF SERVICE TO PRESERVATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

Mr. BUSTAMANTE. Mr. Speaker, American history lives throughout the United States today. Across the country stand living reminders of our Nation's past—Jamestown, Gettysburg, Valley Forge, Fort Davis and many others. By visiting these historic sites, we learn about the people, the events and the values that shaped our country. These national treasures have been preserved for us, for our children and for generations to come.

The Historic Sites Act of 1935 was vital to the preservation of historic places in our country. Fifty years after its enactment, the U.S. Government has custody of nearly 200 historic sites in the National Park System. Through the National Historic Landmarks Program and the National Register of Historic Places, the National Park Service encourages public and private partnership in the preservation effort, preserving places important in American history to its national policy.

Prior to enactment of the Historic Sites Act, Congress had acted to care for particular historic sites, such as important battlefields of the Revolution and the Civil War. The Antiquities Act of 1906 enabled Presidents to designate certain prehistoric and historic sites on the public domain as national monuments. These actions were initial steps in the effort to preserve our national heritage. At the same time, with the pace of national development rapidly increasing, these actions failed to protect the vast majority of nationally significant places.

Concerned citizens and officials recognized the need for quick, decisive action. In the U.S. Congress, Senator Harry F. Byrd of Virginia, and Congressman Maury Maverick of Texas introduced a bill early in 1935 to address this national need. Congressman Mav-

erick, a first-term Congressman from Texas, was determined to get San Jose Mission declared a nationally significant site. Surely he would be pleased if he knew that Mission San Jose and three other missions in the San Antonio area are now part of a national historical park.

On August 21, 1935, President Franklin D. Roosevelt signed the Historic Sites Act into law. The act states that it is "a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States." The act gave broad authority to the Secretary of the Interior to initiate and oversee preservation activity. It directed the Secretary of the Interior, through the National Park Service, to record and document historic structures with drawings and photographs. The National Park Service had already begun this work in 1933, and the Historic Sites Act gave legal authority for continuation of the Historic American Buildings Survey and, later, the Historic American Engineering Record.

The Historic Sites Act also called for a nationwide survey to identify sites significant to U.S. history. The purpose of the survey was to identify those places having exceptional value as commemorating or illustrating the history of the United States. This national survey laid the foundation for the National Historic Landmarks Program and the National Register of Historic Places. In 1966, these programs were expanded once again to include sites significant to State and local history.

The Historic Sites Act of 1935 further authorized the Secretary of the Interior, with certain restrictions, to acquire, restore, and manage properties and to assist others in doing the same. It enabled the Secretary to build and maintain museums at historic sites in order to educate the public about their significance.

Finally, the act established what is now called the National Park System Advisory Board, a body of concerned citizens with expertise in cultural resources and other park-related disciplines.

The 1935 Historic Sites Act laid the groundwork for future preservation efforts. It fostered numerous statutes adding particular sites to the National Park System. The 1949 legislation creating the National Trust for Historic Preservation was created "to further the policy enunciated in the Historic Sites Act." The National Trust was designed to acquire historic properties and promote citizen involvement in preservation efforts.

Fifty years after its passage, the Historic Sites Act retains its importance. The Historic Sites Act directs the National Park Service how to manage historic properties. It guides the Park Service in carrying out the Historic American Buildings Survey, the His-

H 3998

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

toric American Engineering Record, and the National Historic Landmarks Program. The National Park System Advisory Board continues its important role in bringing professional guidance and public involvement to these and other service functions. Above all, the act remains vital for its fundamental policy statement of Federal concern for the Nation's heritage.

I have introduced legislation, House Joint Resolution 299, to recognize the Historic Sites Act for its significant contributions over the past 50 years to the identification and protection of the Nation's cultural heritage. I urge my colleagues to join me in this commemorative tribute by cosponsoring this House joint resolution.

FIRST ANNIVERSARY OF THE GOLDEN TEMPLE INCIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 60 minutes.

Mr. FAZIO. Mr. Speaker, today marks the 1-year anniversary of the Golden Temple incident which led to a wave of violence in India in which thousands of Sikh men, women and children, and hundreds of Hindus perished.

I rise today, Mr. Speaker, not to condone the Sikh extremists led by Jarnail Singh Bhindranwale, whose provocative actions were at least partially responsible for the Indian Army's eventual attack on the Golden Temple. Acts of terrorism by anyone, by either Sikh or Hindu extremists, are deplorable and immoral.

Violence and terrorism have no legitimate role in the settlement of the issues of sectarian, religious, and political difference which divide these two great peoples of India.

I rise today, Mr. Speaker, because many Sikhs, particularly those outside of India, have a number of questions about the incident which even today remain unanswered. For example, Mr. Speaker, why has the Indian Government failed to allow any outside group, including representatives of internationally recognized human rights organizations, to conduct an independent inquiry into the events which led up to the attack on the Golden Temple?

□ 1710

A group of my colleagues—a bipartisan group, I might add—and I requested permission to travel to the Punjab nearly 8 months ago, but our request was turned down.

Why, Mr. Speaker, did the Indian Government choose to attack the Temple on a holy day, when others besides extremists might be inside the Temple? What of allegations that the Indian troops in some fashion desecrated rare manuscripts and other items of religious, historical, or cultural value at the Temple?

Further, Mr. Speaker, very serious questions remain about the violence

which occurred throughout India following the assassination of Mrs. Gandhi. Was the violence which claimed the lives of thousands of Sikhs, the result of a spontaneous expression of "madness" or "grief and anger" by the Hindu majority? Or were the riots, the arson, the murders the result of an organized plot against the entire Sikh community? Why has the Government failed to launch an official inquiry of the incident?

These are among the questions which remain unanswered in the minds of many Sikhs, including many of my constituents. They should be addressed.

Mr. Speaker, I also rise today to stress my firm belief that all parties, including the Sikhs and the Indian Government, should recommit themselves to restraint and condemn all acts of violence and terrorism whenever they occur. The only settlement which can have any lasting meaning is one that is achieved through peaceful, political negotiations conducted in good faith between the Sikh community and the Indian Government.

There is no room for violence and terrorism in such a process. These can only serve to undermine a true and lasting peace between all the peoples of India.

With this in mind, I urge Prime Minister Rajiv Gandhi and his Government to strengthen their efforts to reach a negotiated settlement to ensure that the rights of the Sikh minority are protected. The basic religious and political equality of the Sikh people must be preserved under the law through dialog and agreement.

Finally, Mr. Speaker, I would like to applaud the courage of Prime Minister Gandhi for proceeding with his plans to come to the United States next week despite the threat against his life. As you know, that plot by a small band of extremists was foiled by the Federal Bureau of Investigation. I know that Sikhs throughout the world were shocked and outraged at the revelation of this latest assassination plot. We are very fortunate that the FBI was able to uncover the plot before it succeeded and further impeded the achievement of a just and lasting peace between all the peoples of India.

I think there is no one in the body who feels more strongly about the basic validity of the democratic institutions that are the firm foundation of the State of India, but I do believe that it is important for people throughout the world to express their concerns about human rights violations when they occur against obvious religious and ethnic minorities anywhere in the world.

I certainly mean by my comments today to provide no disservice to the ongoing effort to bring together the disparate peoples of India in one united country, but I do believe that I have a responsibility in representing my constituents and we as an institu-

tion have a responsibility in looking to human rights abuses whenever and wherever they occur, and simply by asking for further clarification and investigation, we today reaffirm our desire to see the Indian people and their government further their goals and achieve the purpose with which that country was founded almost 40 years ago.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I am happy to yield to my friend, the gentleman from California [Mr. Lewis], whom I know to be an expert on Indian affairs, having traveled there and lived there at an earlier time in his life.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding.

I say to my friend, the gentleman from California [Mr. FAZIO], that I think it is most important that he raise this question and this concern before the House today. As the gentleman mentioned, Prime Minister Gandhi will be in the United States next week and will be addressing a joint meeting of the House.

The gentleman also mentioned that I spent a little time in India myself. Indeed, as a student at UCLA, I had the privilege of participating in a program called Project India that sent a number of our young people from our campus to Southeast Asia to travel through India. We spent a lot of time with our peers, college students, in 1955 and 1965.

It was my privilege on my first visit to have an opportunity to talk with now Prime Minister Gandhi when he was also a student. I can say from personal knowledge that he is an individual who is committed to democratic principles, an individual who would reflect similar concerns that the gentleman has expressed here.

It is very, very clear that one of the fundamentals of the democratic system is a recognition of the values of tolerance, of caring for the fundamental freedoms of peoples. Freedom of religion, of course, is basic to that.

For those many, many Sikh citizens who now are living in this country and who have contributed so much to that new thrust of American life, I am sure that they, too, would want to express their concerns and join with the gentleman in the concerns that he has mentioned here on the floor.

In the last several days I have had an opportunity to talk time and again with our colleague, the gentleman from California [Mr. CHAPPIE], who has a number of Sikh citizens living in his district who have been most concerned about developments in Southeast Asia. It seems to me that what we are really attempting to do here is to communicate to what is now the world's largest democracy our concern that all of us share, with a balance of support for all the fundamentals of the democratic process.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 3999

Mr. Gandhi's visit here, I personally believe, will add a great deal to that. The gentleman's comments on the floor will, I think, in a very special way express the interest and concern the House has concerning this very critical and fundamental matter.

Mr. Speaker, I appreciate my colleague's yielding.

Mr. FAZIO. Mr. Speaker, I appreciate my friend's comments, and I certainly want to associate myself with them, particularly with his latter remarks. I look forward very much to Mr. Gandhi's visit. I think it is important to the mutual relationships that exist between these two democracies.

Having studied Asian history as a student in college, I certainly have a very great belief that democratic institutions have taken root in the subcontinent and are going to flourish through the years. They do have some very difficult challenges in integrating the vast array of religious and ethnic groups that make up that very polyglot and disparate state. None of us in this country should in any way, despite our own heritage, underestimate the difficulty of that task.

But the Sikh community is a very vibrant community, both economically, socially, and intellectually. It exists all over the world. It is a pillar, I think, not only of Indian economic progress but is a true believer in democracy in India.

I simply would like to highlight the need that that community has to be given the opportunity to find some areas of independence and autonomy, perhaps at the local level, where they have large numbers in certain provinces, as in the Punjab area, and where I think their interests must be given full consideration by the Indian Government as it attempts to develop its system of federalism.

Mr. LEWIS of California. Mr. Speaker, will my colleague yield further to me?

Mr. FAZIO. I yield to the gentleman from California.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, let me say further to the gentleman from California [Mr. FAZIO] that recently I had the opportunity in visiting the district of the gentleman from California [Mr. CHAPPIE] to talk with a number of people about the problems of the Sikh community as they are making a new kind of contribution to the world of democracy here in our country. It truly is incredible to see the contributions that have been made to our democratic society by those who are immigrating to us in this generation. They are among the most intelligent, the most industrious, and in some cases the most prosperous. The Sikh community that is an American community is making a phenomenal contribution.

Beyond the economic progress that they have seen and made and the con-

tributions they have made to our individual communities, it is fascinating for me to see them now reaching out and attempting to express once again their support for democratic principles that go way beyond their own personalized interests today, that is, their individual interests, their family interests, and perhaps even their selfish interests. They, too, are saying that "democracy works here, it works in India, and let us just make it all the better."

Mr. FAZIO. Mr. Speaker, I appreciate the gentleman's comments.

I think the reason we are here today holding up the interests of the Sikh community is because in this country, where they have flourished, where they came originally as farmworkers and railroad workers, they have attained the status of professional and people active in the academic world and in the sciences. And, additionally, of course, they are some of the most successful farmers in the American agricultural community.

They have reaffirmed their interest in the democratic institutions, and they have learned how to use them. I think the efforts we are putting forth in the House of Representatives today testify to their sophistication and understanding as to how the world works and what role this institution may play in moving Indian policy perhaps in the direction of accommodating their concerns, which I think are legitimate concerns, about the temple massacre. And that, I think, for all of us is a question that needs some very real answers and attention given to it by the Indian Government.

Mr. Speaker, at this point I include articles from Time, Newsweek, and the New York Times concerning the temple massacre and the plot to assassinate Prime Minister Gandhi, as follows:

INDIA: SLAUGHTER AT THE GOLDEN TEMPLE

The elegant marble-floored courtyard of the gilded Golden Temple in Amritsar was strewn with bodies and blood. The once serene and peaceful 72-acre temple complex, the holiest shrine of the Sikh religion, stood scarred and bruised after 36 hours of fierce fighting between militant Sikhs and Indian government troops. In sweltering heat and the dust of the battle's aftermath, black crows and vultures perched on the temple's balustrades in search of grisly carrion. For the first time in the 400-year history of the Golden Temple, the 24-hour prayer vigil had ceased.

The most fanatical leader of Sikh extremists, Sant Jarnail Singh Bhindranwale, 37, who had provoked the violence, lay among the dead. Just weeks before, he had vowed to defend to the death his supporters' demands for increased religious and political autonomy. "Let them come," he had said. "We will give them battle. If die we must, then we will take many of them with us."

In ordering her troops to storm the temple, Prime Minister Indira Gandhi took her biggest political gamble since she declared a national emergency in 1975. Last week's decision could add to the turmoil of a nation already torn by violence. Some Indian commentators voiced fears for the future of the world's largest democracy. "What happened inside the Golden Temple

is a turning point in India's modern history," said the eminent Sikh Historian Khushwant Singh. But Mrs. Gandhi apparently felt she had no choice but to attack. Bhindranwale and his followers had stockpiled guns, rifles, antitank missiles, rocket launchers, hand grenades and mortars inside the temple, in grim contrast to the shrine's jewel-like chambers and cupolas. The defenders' stiff resistance ended in slaughter: 259 Sikhs and 59 soldiers killed, an additional 90 Sikhs and 110 soldiers wounded. Unofficial figures placed the dead at more than a thousand.

At week's end the violence had not yet subsided, and the Indian army extended its 24-hour curfew in most of the northwestern state of Punjab. Several hundred Bhindranwale loyalists who had managed to escape the siege of the temple continued to wage hit-and-run attacks against troops in Amritsar. They also looted shops, set fires and killed civilians. An additional 100 Sikh extremists surfaced in Rajasthan, a state near the Pakistani border, where they called upon Sikh members of the army to rebel. Some of them did defect, while other Sikhs apparently donned army uniforms in an attempt to infiltrate and disrupt the front-line troops that shield India against potential attacks from its bitter enemy, Pakistan. The rebellion was swiftly quashed.

Agitation by both moderate and extremist Sikh factions over the past two years had brought violence in Punjab to alarming levels. In the past four months alone, more than 300 people had died in Sikh-inspired violence. At the same time, tensions from last month's rioting among Hindus and Muslims in Bombay had built to such a degree that politicians began questioning Mrs. Gandhi's control over the country. There was speculation that further instability could cause her governing Congress (I) Party to suffer a serious setback in the national elections scheduled to be held by next January.

Sikh outrage at the assault on the temple echoed throughout India and around the world. Ignoring curfew laws, hundreds of Sikhs rioted in Punjab; they also caused havoc in a number of Indian cities. In New Delhi angry Sikhs demanded Bhindranwale's body for cremation and vowed to keep his legend alive. "If one Bhindranwale dies," Sikhs at a New Delhi demonstration shouted, "a thousand are born." Two militants brandishing swords attacked the Indian consulate in Vancouver, Canada, leaving it a shambles. Security was increased around Indian missions in the U.S., Canada, Britain, West Germany, The Netherlands and Denmark, where there are significant Sikh populations.

The crisis came to a head when, in an effort to press home its demands for religious and regional autonomy, the Sikhs' Akali Dal Party announced that it would begin to block grain shipments to the rest of India from Punjab, which is the nation's breadbasket. The action would have cut off 65% of the country's crucial grain reserves, threatening widespread famine.

Three days before the attack, Mrs. Gandhi made an urgent appeal on national radio and television to all Sikhs to end their agitation. She outlined a framework for a settlement. "Let us sit around the table and find a solution," she pleaded. She had already agreed to most of the Sikh demands for religious autonomy and was willing to amend the constitution to distinguish Sikhs from Hindus. But Mrs. Gandhi felt that if she gave in to the Sikh demand for political autonomy, she would risk a Hindu backlash.

On Sunday the government ordered a 24-hour curfew, and told all journalists and

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CONGRESSIONAL RECORD — HOUSE

June 6, 1985

photographers to leave Punjab. (Authorities later confiscated the film of those who had refused to comply.) Roads across the state borders and the airports were closed, trains and buses stopped running, and telephone and telegraph wires were cut. The usually thriving Punjab came to a halt, cut off from the rest of the world. About 4,000 government troops surrounded the Golden Temple and ordered out the 3,000 Sikhs who live there, as well as the crowds that enter daily for worship. Many heeded the warnings, but 1,000 extremists defiantly remained inside the temple.

Bhindranwale held out in what is described as "the throne of the timeless" in the temple's basement. His loyal followers took up positions they had been fortifying for months with sandbags, steel armor and bricks. When army troops finally stormed the defenses Tuesday evening, they met heavy resistance from rockets and machine-gun fire. Pinned down by a far superior, better-armed force than they anticipated, army troops called for reinforcements of tanks and artillery. After six hours, the machine guns fell silent and army sharpshooters closed in, backed up by troops with bayonets. When army troops finally stormed the basement, they found the bullet-riddled bodies of Bhindranwale and his two top lieutenants.

Bhindranwale's death was in the proud, warring tradition of Sikhism. The religion was founded in the 15th century as a monotheistic synthesis of Hinduism and Islam. Sikhs believe in having a direct, personal relationship with God, rejecting Hindu idolatry and the caste system. True Sikhs do not smoke, and the men do not cut their beards or hair, believing that spiritual power flows through long hair. India's 15 million Sikhs are known for being ambitious, hardworking and hospitable. Their gurdwaras, or holy places, throughout India offer free lodging and food for any traveler who happens by.

Industrious and ambitious, the Sikhs have turned Punjab, one of the few areas in which they form a majority, into a model of agricultural efficiency, thereby helping make India self-sufficient in wheat. Sikh politicians are demanding economic improvements from the central government, such as higher wheat prices and more investment in Punjab. Some Sikhs want a form of regional autonomy that would give to Punjab authority in all areas of state government except currency, railways, communications and defense. Others want the city of Chandigarh, which is also the capital of the neighboring Hindu state of Haryana, to be designated exclusively as Punjab's political capital.

The defiant and charismatic Bhindranwale, known to his followers as "the guiding light," emerged in 1978 as the most radical of the Sikh leaders. He possessed a mythic sense of his own destiny and claimed from an early age that he was fated to lead the Sikhs in their struggle for autonomy. Gradually distancing himself from the more moderate Akali Dal, Bhindranwale began in 1981 to use holy places as sanctuaries and military training grounds for Sikh fundamentalists rallying around him. The tall, lean leader always wore a sword as well as a .38 Smith & Wesson revolver on a gun belt with silver bullets. He preached that Sikhs were a religious group apart from Hindus and Muslims, with a divine destiny to rule themselves and escape the corrupt influences of Hindu and Western values.

By ordering the assault on the temple, Mrs. Gandhi has placated critics who accused her of dangerous inaction on Sikh terrorism. But she has seriously harmed her standing with moderate Sikhs who did not support Bhindranwale's fanaticism al-

though they revered the Golden Temple as a shrine of peace. "I don't understand why Mrs. Gandhi gave the order," said Historian Singh. "We had been given assurances that there would never be an armed intervention, but they have gone back on their word. No serious Sikh can entertain thoughts of talking to Mrs. Gandhi now." Only through cautious maneuvering and concessions to moderate Sikhs, it seems, can Mrs. Gandhi hope to heal the wounds left by last week's attack and preserve, indeed strengthen, her country's unity.—By Laura López. Reported by Dean Brells/New Delhi

THE GOLDEN TEMPLE SHOOT-OUT

The darkness of night had faded. Like a shroud, the heat of June began to settle over the Golden Temple of Amritsar. Inside the holiest shrine of India's 14 million Sikhs,¹ 500 extremists said their prayers and checked their weapons. Their leader was Jarnail Singh Bhindranwale, a fiery preacher and terrorist in a turban; their demand was to carve an independent Sikh nation out of the Punjab, and they meant to have it or die. Outside, hundreds of Indian commandos drew closer. Just before sunup they made their attack. Running, crawling, seeking whatever cover they could find, they tried to dislodge the defenders without destroying the temple's inner sanctuary. But they felt compelled to attack the Akal Takht, the Sikh Vatican. Seven tanks bombarded the three-story structure—and in the smoking ruins, the government forces found Bhindranwale's bloody corpse.

The spasm of violence took 420 lives, 350 among the Sikhs and 70 soldiers. With that quick costly blow, the government of Prime Minister Indira Gandhi hoped to break the drive of the radical Sikhs to form a separate state—Khalistan, the Nation of the Pure. Most Indians supported the attack, and even many Sikhs, who constitute fewer than 2 percent of India's 750 million population, reluctantly accepted the necessity for military action. But the Army imposed only a sullen peace on the Punjab, the cultural center of Sikhism. And in New Delhi, Jammu and Srinagar, Sikh militants took to the streets in riots that left 11 dead, further inflaming the religious and ethnic hatreds that have weakened India ever since independence.

The showdown at the Golden Temple was a convulsion worthy of Kipling. It had been building for years. The Akali Dal, the Sikh regional party, has long pressed the Indian government to grant it greater autonomy in the Punjab. And frustration had driven hotter heads among the Sikhs to terror. Three years ago a group of assassins gunned down newspaper editor Jagat Narain, a leader of the Hindus in the Punjab. Bhindranwale, the obscure leader of a group of armed Sikh fundamentalists, was arrested after the shooting. The police quickly freed him after his followers went on a killing spree in protest, and Bhindranwale's reputation was made. Members of Gandhi's predominantly Hindu Congress (I) Party had previously used him for their own purposes. Hoping that he would split the moderate Akali Dal with his unacceptable secessionist demands, they covertly provided him with support.

But with the killing of the editor, it was clear that the plan had succeeded too well. Brandishing a silver arrow as a symbol of religious authority, Bhindranwale quickly augmented his armed band with unemployed youths eager for a cause. The self-

proclaimed holy man whipped his followers into a such a lather of zealotry that bands of terrorists began roaming throughout the lush Punjabi countryside, randomly attacking Hindus, including women and children. As the Hindus retaliated in kind, the body count rose to more than 400, and business and agriculture slowed.

Daggers.—To avoid a second arrest he and his private army took refuge in the Golden Temple. He shared the place with Sant Harchand Singh Longowal, the moderate leader of the Akali Dal. It might have been wiser for the government to have ejected the extremists earlier, before, their defenses were complete. But Gandhi settled on a strategy of letting the crisis fester until she could be sure that the rest of the country would support an attack on a religious shrine. For a time, she even seemed conciliatory. She ordered the release of Sikh political prisoners, granted the traditionally martial Sikhs the right to carry daggers on domestic Indian Airlines flights and pledged to refer other, more substantive, demands to special tribunals. Clearly, however, Bhindranwale had no intention of being appeased; his goal was to provoke so much violence that the majority of Sikhs would be forced to close ranks and support his struggle for an independent state. The crisis might have boiled over two weeks ago when terrorists inside the temple engaged local paramilitary forces a series of gun battles. But even then, Gandhi refused to order a siege.

What finally triggered the attack was the call by both Bhindranwale and more moderate Sikhs for an economic blockade of the Punjab. Among other things, they asked the Sikhs to block roads and disrupt train service, gestures that would have cut vital grain shipment from the region. Faced with the threat of food shortages throughout the rest of India, Gandhi went on national television and radio. "Don't shed blood," she pleaded with the separatists. "Shed hatred." Finally she began to use a sterner tone. "No government can allow violence and terrorism any premise in the settlement of issues," She said "Make no mistake about this." Even as she was broadcasting her hourlong appeal, the Indian Army was sealing off the Punjab: not a bicycle, not a bullock cart, no trains, buses or cars moved. The government imposed an around-the-clock curfew. No citizens were allowed to cross the border and all foreigners, including reporters, were expelled under the Foreigners Act.

Taut Nerves.—The government's greatest fear was that a careless assault would enrage moderate and extremist Sikhs alike, increasing separatist pressures rather than curbing them. The attack was planned with great caution. To underscore the secular loyalty and strength of the Army, Gandhi put an Indian Muslim in charge of the special commando unit assigned to confront Bhindranwale; but she also took care to include four Sikhs among the top six military commanders leading the operation. Sikhs make up a good segment of the Indian officer corps. From New Delhi, a crack commando unit of 500 soldiers trained in anti-terrorist operations flew to Amritsar. As nerves drew taut, 5,000 troops ringed the temple complex, blocking all supply and escape routes. Another 5,000 enforced the curfew in the city. Sharpshooters were posted at vantage points overlooking the Golden Temple. The Army cut off food, water and electricity to the temple and settled in for a prolonged siege.

The defenders had stashed away enough supplies to last several weeks, including a generator to provide electricity. Shuhbeg Singh, a renegade former Indian Army gen-

¹ A 15th-century offshoot of Hinduism and Islam. Sikhism frowns on the caste system and stresses monotheism, individual morality and martial valor.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 4001

eral skilled in guerrilla warfare, had assembled an extensive arsenal to be used in any confrontation with the government. Among the weapons he purchased—chiefly from Pakistan—were five medium machine guns, 20 to 25 light machine guns, thousands of rifles, 50 sten submachine guns, antitank missiles, rocket launchers and Israeli-made bulletproof vests. The terrorists built sandbag bunkers along the marble walls of the temple and set up mortars and machine guns on top of the clock and water towers. Then they hunkered down for a siege.

From New Delhi, a central command task force composed of Gandhi and her top advisers, including the home and defense ministers and the security chief, ordered the Army not to harm the Harmandir Sahib, the sanctuary that houses the most sacred writings of the Sikhs. Over loudspeakers, Army officers begged the terrorists to give up quietly and without bloodshed. Several hundred Sikhs eventually came out carrying white flags. Longowal and a number of other moderates from the Akali Dal also left with their followers. But Bhindranwale and his band of 500 stayed put for a fight to the death.

"We went in not in anger but in sadness," said Lt. Gen. K. Sunderji, "We went in with prayers on our lips and reverence." The Golden Temple was set in the middle of an artificial lake. It could be approached only by a narrow causeway that deprived the troops of cover. As they scrambled over the marble bridge, they were sitting ducks. Fifteen soldiers fell dead as snipers picked them off one by one. "We've never come under such heavy fire," said one Army commander.

One government soldier who did manage to crawl his way across the causeway was picked up by Bhindranwale's men. The terrorists tied him up with sticks of dynamite, then forced him out into the full view of his comrades in arms. The terrorists lit the fuse and the soldier was blown to bits. That gruesome sight drove the soldiers into a frenzy. Braving the exposed causeway, the government commandos attacked in waves.

The fight proved to be a mismatch. Seven tanks clanked into the compound and pounded the Akal Takht, Bhindranwale's last redoubt. The raiders found his body in the basement of the ruined building. There were two bullet holes in his head. Beside him lay his right-hand man, Amrik Singh, who had a leg wound and a bullet hole in his skull. Powder burns singed the head wounds of both men. The burns suggested that they had carried out a suicide pact: Amrik Singh apparently shot Bhindranwale, then took his own life.

Meanwhile, simultaneous attacks were taking place at more than 40 other Sikh temples through the Punjab. The assaults were successful. But to the extent that Bhindranwale's goal had been to force the Sikhs into a new awareness of their separate cultural and religious identity, he had amply succeeded. "You can't begin to understand our reactions," insisted one Sikh, "unless you think in terms of the Vatican being besieged and overrun by Storm Troopers."

Such feeling is bound to create a thirst for vengeance. Sikh farmers may now withhold shipments of grain, and unless some new moderate leader comes forward, other Sikhs seem certain to renew the terrorist campaign. Even Gandhi blamed the Akali Dal for failing to counter the terrorist threat. But the scapegoating did nothing to help moderate Punjab Sikhs develop an effective spokesman for their political, religious and economic claims. As a result their grievances may deepen.

Riots.—The affair did offer some short-term gains for Gandhi, who must hold general elections by January. In failing to attack while the terrorists were arming themselves, she undoubtedly increased the ultimate bloodshed. But by waiting until the situation was plainly intolerable, she ensured that almost all of India would back her. She needs that popular support not only to win elections but to restore order in many other troubled regions of India.

Fierce rioting between Hindus and Muslims led to more than 200 deaths in the squalid slums of Bombay last month. And in the northeastern Indian state of Assam, where some 5,000 people died in Hindu-Muslim riots last year, it is still tense. Clearly these atavistic lurches are a threat to the central Indian government, and only the central government can bring them under control. Over the longer run, however, populations are seldom won over by military presence alone. If the Punjab—the bread basket of the world's most populous democracy—becomes a center of sectarian violence and government repression, other areas of India may follow. And if they do, ethnic hatred could once again threaten the country's future.

(Harry Anderson with Patricia J. Sethi and Sudip Mazumdar in New Delhi and bureau reports.)

[From the New York Times, May 14, 1985]

FBI SAID TO FOIL SIKH PLOT TO KILL GANDHI IN THE UNITED STATES

(By Susan F. Rasky)

WASHINGTON, May 13.—The Federal Bureau of Investigation said today that it had foiled a plot by Sikh terrorists to assassinate Prime Minister Rajiv Gandhi of India during this visit to the United States next month.

William H. Webster, director of the F.B.I., said in a statement here that the bureau had penetrated a plan to "train a group of Sikhs in the use of fire arms and explosives" and that the group had been planning "guerrilla type operations against the Government of India."

In addition to the purported plot against Mr. Gandhi, Mr. Webster said, the Sikh terrorists had also planned to assassinate Bhajan Lal, Chief Minister of the Indian state of Haryana, who was in New Orleans for medical treatment at the Louisiana State University Eye Center.

FIVE DETAINED IN NEW ORLEANS

Five of the seven men identified by the F.B.I. as part of the purported conspiracy are in custody in New Orleans. The two others are still being sought in the New York area.

Mr. Gandhi is scheduled to begin a state visit here on June 11. The State Department said today that it did not expect any changes in his schedule as a result of the disclosure by the F.B.I.

Mr. Gandhi is the son of Prime Minister Indira Gandhi, who was assassinated last Oct. 31 at her residence compound in New Delhi by two of her Sikh bodyguards. Her assassination touched off a wave of rioting in which 3,000 people were killed.

MORE AUTONOMY SOUGHT

The Sikhs, who number 13 million out of India's 750 million people, are demanding more autonomy in the Punjab, their home region.

At least 80 people were killed and 150 were wounded in bomb blasts on Friday and Saturday in Punjab and other northern states. In New Delhi today, sporadic violence was reported in a strike called by the opposition to protest what it said was the

Government's failure to prevent the attacks. (Page A11.)

State Department and F.B.I. officials declined to speculate on whether the alleged conspirators named today were directly linked to the recent actions in India. A State Department spokesman said Sikhs in this country had not been singled out for special attention before Mr. Gandhi's visit.

FORMER "SEAL" IS INFORMANT

The purported plot was outlined in an affidavit filed in the United States District Court in the Eastern District of New York by the F.B.I. and the Secret Service. The affidavit identified the source for the information as "a former U.S. Navy 'Seal' who has been known to the F.B.I. for five and one-half years."

In a separate indictment issued last Thursday, a Federal grand jury in New Orleans accused five Sikhs of plotting to kill the Chief Minister of the Indian state of Haryana. Four of the purported conspirators were arrested by the New Orleans Police Department on May 4 on the sidewalk outside of the hotel where Mr. Lal was staying. The fifth was arrested by F.B.I. agents on Sunday.

An affidavit detailing the circumstances of the purported assassination plot named Thomas Norris, a special F.B.I. agent, as an undercover agent who had been in contact with one of the Sikhs involved in the New York case. Officials at the United States Attorney's office in Brooklyn refused to confirm or deny that Mr. Norris was the operative.

The undercover operative, who is referred to throughout the document as "A," is described as a recipient of the Congressional Medal of Honor for his service in Vietnam and as "an expert in urban guerrilla warfare, including the use of explosives and automatic weapons."

The affidavit alleges that Gurpartap S. Birk, Lal Singh and Ammand Singh conspired to kill Mr. Gandhi, to take part in a military expedition against India, and to receive machine guns and plastic explosives. Mr. Birk and Lal Singh are also accused of attempting to solicit another individual to kill Mr. Gandhi.

According to the United States Attorney's office in Brooklyn, Mr. Birk, 33 years old, is a resident of Brooklyn and an engineer employed by Automated Tolls Inc. in Mount Vernon, New York. The two men still being sought by the F.B.I. are Lal Singh, 25, who was identified as a resident of Queens, and Ammand Singh, for whom authorities said they had no further identification.

According to the affidavit, the undercover operative was introduced to Mr. Birk and Lal Singh at a hotel room in New York City and posed as "someone from the state of Alabama with expertise in explosives and weapons."

BOMBING PLANS DISCLOSED

The affidavit charges that at that meeting the two men told the undercover operative that they represented a group whose purpose was to "cause the revolutionary overthrow of the present Government of India" and that they intended to do so in part by creating "a loss of confidence in the present Indian Government through the bombing of strategic locations in India." These locations allegedly included a nuclear power plant, bridges, hotels and government or public buildings.

At the same meeting, according to the affidavit, the two men also asked the undercover operative to provide their group with military type training in the United States, specifically in the use of explosives and automatic weapons, chemical warfare and

H 4002

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

urban guerrilla tactics. The affidavit said the two also asked if the undercover operative could obtain C-4 plastic explosives and machine guns to be smuggled into India for the group's use and false United States passports to facilitate entrance and exits from India.

The January meeting and two subsequent encounters with the undercover operative were monitored with electronic surveillance equipment, the affidavit said.

At a news conference in Brooklyn today, Raymond J. Dearie, the United States Attorney for the eastern district of New York, said no explosives or weapons were passed to the alleged terrorists by the undercover operative and no money changed hands.

The affidavit detailed two other meetings between the undercover operative, Mr. Birk, Lal Singh and on these occasions Ammand Singh. At a meeting on Feb. 20 in a hotel in Westbury, L.I., the affidavit said, the undercover operative asked how much explosives the group needed. According to the affidavit, Mr. Birk replied, "Enough to blow up a bridge the size of the Triboro, Brooklyn or Queensboro Bridge and also enough for a large 36-story building."

Mr. Birk allegedly told the undercover operative that his group also wanted to be supplied with the Ingram 9-millimeter Mach-10, a type of machine gun, and eventually would need grenade launchers. The affidavit said the undercover operative replied that he could supply such items.

At the same meeting, Mr. Birk also purportedly presented the undercover operative with seven photos of male Indians and asked if false United States passports could be obtained for them. Among the photographs were those of Mr. Birk, Lal Singh and Ammand Singh, the affidavit said.

The affidavit described a third meeting, on April 27, in which the undercover operative and Mr. Birk and Lal Singh drove to "a location in Columbia, New Jersey" that had allegedly been selected by the two Sikhs as a training site for the group's activities. According to the affidavit, Mr. Birk and Lal Singh told the undercover operative that their group was looking for someone to assassinate Prime Minister Gandhi during his trip to the United States.

The undercover operative then suggested three possible plans for such an assassination and discussed the details, costs and risks of each with the two men. The affidavit said the two Sikhs then selected one of the plans and told the undercover operative to begin putting it into action, with details to be worked out later.

The affidavit said the two men told the undercover operative that training would begin at the New Jersey site on May 6 and that he should have the explosives they had requested available then.

Mr. Birk, who was arrested in New Orleans on May 4, was indicted along with four other Sikhs in connection with the alleged plot against the Chief Minister of Haryana. The other four men were identified as Virinder Singh, 25, of New York City, Jasbir Sindhu, 25, of Manhattan, Sukhwinder Singh, 25, of the Bronx and Jatinder Singh Ahluwalia, 29, a cab driver in New Orleans.

● Mr. KOSTMAYER. Mr. Speaker, as a member of the Foreign Affairs Committee, I want to bring to my colleagues' attention the matter of human rights in India. Today marks the 1-year anniversary of the invasion of the Sikh Golden Temple in Amritsar and so it is particularly timely to briefly review the events of that calamity.

Many of the allegations of human rights violations committed against the Sikhs occurred during and following the Indian Army's invasion of the Golden Temple. After the invasion, the Indian Army remained in Punjab as the highest legal authority, sharing power with the President who had been ruling Punjab without an elected ministry. The Army and the President denied Punjabi citizens basic legal rights despite the fact that the Indian constitution guarantees those rights and prohibits discrimination based on religion, caste, or place of birth.

The U.S. State Department reported that the bodies of many of the Sikhs killed in Punjab bore signs of torture. The whereabouts of some Sikhs arrested in Punjab since June 1984 remain unknown. Many villagers report that the army conducted search and cordon operations in which males between the ages of 15 and 35 were taken away without any information of their whereabouts given to their families.

The Sikhs also allege that during the army's June 5 invasion of the Golden Temple several young students were arrested and held as "risks to the country's security" for 4 months. They were detained in an Indian Army prison and then in a Punjabi jail before the supreme court intervened to set them free.

I believe human rights for all people, despite their political or religious affiliation, must be held as the highest priority in India and in every country. I call on my colleagues to join me in urging the Indian Government to restore those rights to the citizens of Punjab without delay.●

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the subject of my foregoing special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1720

ORDER OF BUSINESS

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent to take my 5-minute special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE FUTURE OF THE SMALL BUSINESS ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, today the Small Business Committee began marking up Chairman MITCHELL's bill, H.R. 2540, to authorize funding for the Small Business Administration and its programs through 1988. The chairman's bill symbolizes the progress we have made in trying to improve Federal small business programs. This is significant because, to me, it is an acknowledgment that cuts can be made without compromising the Government's commitment to small business.

What is even more significant, however, is that so many of my colleagues on the committee now feel that the chairman's bill falls short in addressing many of the structural and conceptual flaws inherent in SBA programs. They have begun to recognize that you can make cuts without harming the effectiveness of useful small business programs.

I am pleased by this approach because I now believe that my efforts to alert Congress to the agency's flaws have not been in vain. Earlier this year when the administration proposed to dismantle the Small Business Administration and transfer its noncredit programs to the Commerce Department, I embraced the plan and introduced it as a legislative package in H.R. 1461. Subsequently, there were many who complained that the cuts contained in that plan were shortsighted, and would lead to the demise of small business. Accordingly, I was accused of being anti-small business.

But thanks, in part, to the spirited debate that followed, we now know that these accusations are over exaggerated and, in many instances, completely untrue. For example, the committee now feels that we can do away with most of the SBA's direct lending program. It is outdated and lacks cost-effectiveness.

There is also significant support for ending the agency's farm disaster loans and consolidate farm relief programs in the Department of Agriculture, where they belong. This is a simple case of economic wisdom, as is the need to end nonphysical disaster lending by the SBA. It merely duplicates services offered by other Government agencies and forces taxpayers to subsidize business losses resulting from normal business risks and poor management.

We are now finding out that financial institutions which provide SBA guaranteed loans to small business can accept the imposition of higher fees and a lower guaranteed rate structure without jeopardizing their small business portfolios. This will, in turn, help to reduce the sizable number of yearly defaults which must be paid for by the American taxpayer.

Additionally, I am pleased that the committee has agreed to hold hearings later this year on legislation to create a corporation for small business investment. This program will take

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 4003

small business investment companies out of the SBA, allowing them to tap into the vast resources of the secondary markets while, at the same time, saving the taxpayers an additional \$1 billion over 3 years.

In all, these reforms will trim nearly \$3 billion from the SBA budget and still provide more efficient and cost-effective services, increased access to capital markets, and reduced Government spending. All of these changes will greatly benefit our Nation's small business sector.

But I would also like to add that, should the committee accept all of these recommendations, there will still be a significant number of programs in the agency which will require further review so that we are certain that SBA programs are serving a public need.

Mr. Speaker, there is no doubt that the recent debate over the future course of the Small Business Administration has exposed the agency like no other period in its history. And I must, at this point praise Jim Sanders for his superb leadership as the Administrator. Not a day went by when something wasn't said or printed in defense of, or in opposition to, the agency and its programs. But in the end, it will all result in a leaner, meaner, and more effective SBA that will be more responsive to the needs of the small business community. In the end, small business will be better off because of it. I commend my colleagues for recognizing this fact.

THE SOVIET WAR AGAINST FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, the purpose of this talk, which is on the Soviet War Against Freedom is to suggest that there is a pattern of education which we need in this country, in that there are three steps that would be a start in the right direction.

I talk in a week, for example, in which the cover of Newsweek magazine is entitled "The Family of Spies. How Much Did They Tell Moscow? The Epidemic of Soviet Espionage."

We talk in a week in which there is grave concern that Soviet spies have stolen enough information that they have compromised the security of American nuclear submarines, which we have always thought were the base of America's long-term security and our protection against nuclear war.

In addition, this is a week in which there has been a Nicaraguan Communist invasion into Costa Rica, where they have occupied several hills in the process and killed several Costa Rican soldiers and the Costa Rican Government has complained.

This is the week in which the Soviet Army has expanded the amount of violence and bloodshed against the freedom fighters in Afghanistan.

I think it is a time to look candidly at what is happening. The Soviet system has managed to win a war of words. If the Russians invade a country, somehow the word "invasion" is never used. If they are brutalizing a people, somehow the word "brutality" does not show up.

The words always end up being softer and calmer and pleasanter if the action is by the Soviets.

Somehow we do not explain very well what is happening on the American side, on the profreedom side.

I think there are three steps that could be taken that would begin to improve American understanding of the Soviet war against freedom, and it is a war. It is not the Soviet aggression. It is not the Soviet offensive. It is not the Soviet actions. It is not the Soviet intervention. It is the Soviet war against freedom.

The first step would be for the Intelligence Committee to hold a series of public hearings that begin with the structure and nature of our adversary, why is the Soviet system committed to waging war against the West.

It would go second to the question of the KGB, the Soviet secret police, and how much it has penetrated the United States. How many KGB agents are there at the Soviet Consulate in San Francisco? How many KGB agents are there in the United Nations Secretariat? How many KGB agents are there in the Soviet Embassy in Washington?

Why does the Soviet Embassy sit on the highest hill in the city, looking out over the Pentagon, the White House, and the Central Intelligence Agency, so that for electronic spying purposes it is the best situated single building in Washington? What could be done to make it harder for the Soviets to spy?

I suggest for those who are interested, in addition to the cover story of this week's Newsweek, that there are two recent books which create a framework of thought about Soviet spying. The more popular, easier to read, is called "The KGB Today, The Hidden Hand," by John Barron. It is a paperback book available right now. It is worth reading.

The shocking thing is that this is the second book John Barron has written about the KGB. The first was called "KGB, The Secret Work of Soviet Secret Agents."

The newer book was published in 1983 and lists item by item how the KGB and the Soviet Union attempt to systematically undermine the West and undermine the United States.

Now, this book which is, oh, 400 pages long, is worth reading. It is fascinating reading. Parts of it read like a novel as they tell the story in particular of one Soviet agent who decided that he would try to escape, a Soviet agent who in fact did escape. His name is Levchenko. Levchenko was a very high KGB officer. The KGB is the Soviet secret police. He was in charge of much of the spying that was being

done in Tokyo, Japan, when he decided to flee to the West.

Now, this book makes a point which is very important for all of us who are shocked by this week's television to think about. If the Soviets have been spying so systematically that two 400-page books already exist, if under Jimmy Carter and Ronald Reagan we arrested 29 different spies for the Soviet Union in the United States, why then is it a surprise, as you would expect, that there are more Soviet spies?

It is just business as usual as the Soviet Union wages war against freedom.

I was particularly motivated to take tonight to start this process, because in addition to the Intelligence Committee hearings, I hope that we will be able to convince the Central Intelligence Defense Agency, Department of Defense, State Department, and National Security Council, to have a coordinated weekly briefing every Thursday in the morning, one for the news media, one for Members of Congress, only of declassified information.

I would hope that we in the House would decide to begin having an every Thursday afternoon special order specifically to report to the American people on the Soviet war against freedom.

I am really moved to do this by the latest in a series of letters that are at best misleading and at worst misinformation.

□ 1730

I will not mention the Member's name who sent this letter because he is not on the floor. But it is entitled "Almost Three-Fourths of the Public Opposes Military Aid to Nicaraguan Contras." And at the bottom it says, "Our constituents understand the issues very well."

Now let me just say to that, we happen to have another poll, and that what you get out of a poll is in part based on what you ask in the poll, and the person who took the poll that goes along with this I think significantly misleading letter is a poll taken by Mr. Louis Harris who is a good, solid, left-wing pollster, a liberal who often words his questions in a way that guarantees that result.

He asks the question: "How concerned are you that the United States will end up sending American troops to fight Nicaragua? Fifty percent are highly concerned. I am highly concerned. That is why I want to support aid to the present freedom fighters so that we can stop communism with Nicaraguans stopping it, not with Americans."

They walk through a series of questions which are phrased as strongly as possible, and they never quite explain in the whole series of questions exactly what is involved because when you walk through these questions, and there are two solid pages of questions,

H 4004

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

you discover they never quite explain what is really happening in Central America.

Now, if I were to come to you and say, "How would you like me to cut on you tonight?" You would probably say, "No, I don't want you to cut on me tonight."

But if I were to come to you and say that I am a cancer specialist, and you may die by tomorrow morning if I don't operate this evening, you might have a whole different attitude toward my cutting on you this evening. The context is important.

Let me give you some data.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am delighted to yield to my friend from Illinois.

Mr. HYDE. I think I have seen the Lou Harris polling results that the gentleman has adverted to and as I read through the two or three pages of questions, at no time did I find the Sandinista government referred to as Communists. I think in one place it was called left wing.

Now, is it your experience that when you use the word "Communist" to describe an entity or a government, it makes a difference in the response?

Mr. GINGRICH. Absolutely. In fact, the point I would like to make is we had a poll which has just been released by the Congressional Campaign Committee for the Republicans which was taken by Market Opinion Research. I have received permission from the Congressional Campaign Committee to share some of the data, and I think the public needs to look at the difference between the Lou Harris question which has been sent out by my good friend who happens to be, in my judgment, uninformed on the nature of the Leninist system, and the questions when asked in a slightly different manner with more information.

In the first place, it starts by saying, and listen to how this is worded: "As you know, the Reagan administration has been backing the Contra rebels in Nicaragua who have been fighting to overthrow the Sandinista government."

Now, the first sentence is loaded on two levels. Nobody in America knows what a Contra is. The President has been calling them freedom fighters, which I think is a fairer term. Nobody is really sure what Sandinista means. If you say "Communist" it changes the whole meaning of that opening sentence. If you were to ask exactly the same question: "As you know, the Reagan administration has been backing the freedom fighters in Nicaragua who have been fighting to overthrow the Communist government," you radically change the answer because it is like putting the word "cancer" in a question of whether or not you want to go to the doctor.

If you were single and called a girl and said, and I am speaking now from a boy's standpoint, "Say, how would you like to go out on a date tonight,

and let's go see our favorite doctor," she would think you are nuts. But if you called the same girl and said, "I think you may have a serious virus, you had better go to the doctor," she would at least listen to your argument.

So if you start out and use words designed by the left to guarantee nobody understands the problem, then you get an answer proving that nobody understood the problem. To then turn around and claim that the American people have been well informed I think is the height of arrogance.

But let me carry this a stage further. It goes on to say, "Congress refused to send \$14 million in arms to the rebels of Nicaragua because of fears the United States would end up having to send American soldiers to fight in Nicaragua."

Now, Lou Harris' deserves the biased, prejudiced, and deliberately misleading pollster of the year award for that question because it is fundamentally setting up the listener on the other end of the telephone and educating the listener into the answers that Lou Harris wants.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield.

Mr. HYDE. Would the gentleman explain to me, I must have missed something there, does the gentleman mean that Mr. Harris asks the question of people are they afraid to aid the people who are actually doing the fighting because if they aid other people to fight then we might have to fight? Is that his line of reasoning?

Mr. GINGRICH. Yes. His line of reasoning in the first place, I understand it serving in the Congress, he misunderstood the whole vote of the \$14 million. In the second place it sets up his rationale so he is in effect educating the citizens sitting at home. You are sitting at home, if I may say to the gentleman from Illinois, and you are watching TV in the evening and the phone rings, and you pick up the phone and the person says, "Hi, this is the Lou Harris survey. Can we ask you a question?"

What they then did is they gave you an entire paragraph of propaganda to set you up for the question, so they would then get the answers they wanted.

Now let me change to show you how this works. We asked a series of questions to make sense out of Nicaragua, because the fact is that if you just walk into an average American room and say what do you think about Nicaragua, half the people in the room are not exactly sure where it is. If you then say what do you think about the Contras and the Sandinistas, three-fourths of the people are not sure which group is which. They could be two Little League teams. Nobody is really sure what is going on.

In fact, you may remember a TV series that was called "That Was the Week That Was." Once upon a time

they did a takeoff on then President Kennedy talking about Laos, and they had a guy who was supposed to be an expert, and who used all kinds of strange sounding names to 'English-speaking ears, and he turned out to be a Laotian. They then showed a film clip of President Kennedy using similar names that were Laotian and that sounded strange to English-speaking persons, and they ran together and you could not quite understand it, their point being that the world is complicated and distant and if you did not have any idea about terms, who knows what it means.

Let me give you some examples, though, of why our friends on the left are fundamentally mistaken about what is happening in Central America, and what it means to America. These are questions that came directly out of a poll and I think are very, very important in understanding what is going on.

Question: "Do you believe the Soviet Union is mainly interested in world domination or mainly interested in protecting its own national security?" That is straightforward. "What do you think the Soviet Union is up to. Is it up to trying to conquer the world or is it basically trying to make sure nobody invades Russia?"

The answer was 59 percent of the American people, without prompting, believe world dominance is the goal of the Soviet Union; 34 percent believe for national security. The amazing thing is that 34 percent has a working majority in the House.

The second question: "Do you think the Soviet Union's current influence in the world is a serious threat to the security of the United States, moderate threat, or very little threat to the security of the United States?"

Answer: Thirty-seven percent think the Soviet Union is a serious threat, 46 percent think it is a moderate threat, 15 percent think it is very little threat.

Now, what does that mean? It means 83 percent of the American people believe that the Soviet Union is either a serious threat or a moderate threat to our survival.

I would say, by the way, that 15 percent that think it is very little threat have an absolute majority in the Foreign Affairs Committee.

Now let me carry this a stage further. We asked the question of the American people, first of all, "Do you think a country is Communist or not?" It was fascinating. The countries that we asked a series of six questions on six countries, and the country they were most aware was Communist was Cuba. Eighty-four percent realized Cuba is a Communist country and not a democracy. The same figure for Nicaragua is only 47 percent, a sign, frankly, that we have not been doing a good enough job of clarifying. And for the Member who sent out this letter that said, "Our constituents understand the issues very well," I point out

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 4005

that 34 percent thought El Salvador was a Communist country and that, in fact, there is a great deal of confusion about which country is on our side and which country is against us, and you have to clarify the issue.

So 84 percent of the United States understand that Castro and Cuba are Communist and that they are a part of the Soviet system, which is a threat to the United States.

Then they ask the question on the same six countries: "Do you think it represents a serious threat to its neighbors, a moderate threat, or very little threat to its neighbors," and again we are talking about, notice this is a neutral question, "Do you think it is a serious threat, moderate threat, or very little threat." Cuba is seen by 70 percent of the American people to be either a serious or moderate threat to its neighbors.

□ 1740

Interestingly, Nicaragua, and here is where I think President Reagan's message has gotten through, is seen by 66 percent of the American people as a serious or moderate threat.

What does that say to us? That says it is beginning to sink in out there that Cuba is Communist and is a real threat, that the Soviet Union is Communist and is a real threat, and the Soviet Union wants to dominate the world, Cuba is the Soviet Union's ally. When you carry that a stage further, then, we find a fascinating change. And this is where I think Mr. Harris misleads all of his friends on the left and, frankly, I say this to all our ostrich friends who are on the left that if they would bring their head up out of the sand and look at the world for a minute and really ask themselves: "Does it help their cause to let Lou Harris ask highly biased questions and then trumpet that answer?"

I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

I think what the gentleman is saying is that this poll, to use the jargon, was manipulative. In other words, the people who were asked questions were manipulated into the answers that they wanted; is that correct?

Mr. GINGRICH. Well the gentleman is exactly correct. The gentleman makes the point I think clearly. They sent out a propaganda poll to get a propaganda answer which they then put in the letter which they sent around which is propaganda.

Mr. HYDE. You know, the argument is made and you have just underscored it, that when you talk about Nicaragua as a Communist country being a moderate threat, people discount that because Nicaragua is a small country with less than 3 million people in it and the people cannot understand how a small country some thousand miles away from our shores could be a threat to this colossus that is the United States.

Of course, what must be explained to them is that Nicaragua, itself, is not a threat; but as it serves as a Soviet base in this hemisphere, as Cuba is, as another surrogate inside the Soviet world system and is a source of infection for its neighbors such as Costa Rica and then the Panama Canal or going up north, Honduras, El Salvador, Guatemala, and Mexico, becomes a very serious threat. And when you have a cancer that is small it is very prudent to excise it rather than to let it spread and metastasize and infect the whole limb; is that not so?

Mr. GINGRICH. The gentleman is making exactly the point which intuitively most Americans, if given enough information, would immediately agree with. That is, once they understand that Nicaragua represents the cancer of communism, that given long enough, Nicaragua is going to be just like Cuba, that given long enough, it is going to have a Soviet airfield there with Soviet bombers sitting on it next to the Panama Canal and able to threaten our sea lanes; at that point the average American would, just like you would if you were a patient, if you went to the doctor and the doctor said to you, "You right now have cancer in your little finger. You can wait until the cancer comes to here," indicating "and we will take your arm off, or you can let us surgically remove the cancer in your little finger," you would have to be crazy, pretty crazy to say, "No, no, let me let the cancer have a fair shot at my arm. I don't want to bother it right now."

I yield to the gentleman.

Mr. HYDE. Mr. Speaker, does the gentleman think the average American understands that there is an air base in Cuba now called Lourdes, that serves as a base for long-range Soviet reconnaissance planes that fly up and down our east coast, surveilling our shipping and monitoring telephone conversations and radio communications? I suggest most Americans do not realize that. But once Punta Huete gets established, the monster airfield that is already built in Nicaragua, those same long-range Soviet aircraft will be enabled to fly up the west coast of our country and surveil Silicon Valley, our shipyards, and monitor radio and telephone communications there. Does the gentleman think if those facts were brought home to the American people they might be a little more concerned and they might perhaps answer even Mr. Lou Harris' loaded questions a little differently?

Mr. GINGRICH. Well, I think it is clear, when you recognize 59 percent of the American people believe that the Soviet Union is determined on world domination and you said to them Nicaragua is a Soviet ally, I think that is why Ortega's recent trip to Moscow was so frightening to our friends on the left who are ostriches.

I would be glad to yield to the gentleman.

Mr. HYDE. But is it not said that here is Mr. Ortega, the President of Nicaragua, the Comandante Sandinista Marxist-Leninist proclaimed, and he has been acting the same way and talking the same way for 5 years, but by having an inept travel agent he has finally awakened some of these people to the fact that maybe he is not such a nice guy and we ought to do something about it?

The ironies of history.

Mr. GINGRICH. I have to share with the gentleman: I have been trying for several months now to describe what I call the ostrich phenomenon, the ability of those on the left to bury their heads in the sand and avoid learning about communism.

I think you can measure the speed with which an ostrich can get its head back down from a debate because it was a fact that Ortega announced he was going to Moscow the next morning after this House voted not to help the freedom fighters that shocked so many of our ostrich friends. One of them told me in the hall, true story, one of them said to me, "You know, he could have waited a week."

Now it seems to me that that gentleman gave us sort of the length of time it takes an ostrich to duck again.

He was saying that if Ortega had waited 1 week to go to Moscow and then "I would not have noticed and it wouldn't have made me feel bad."

I yield to the gentleman.

Mr. HYDE. We are told that we are using gunboat diplomacy by assisting the Contras, the democratic resistance down there. Why do not the leaders on the other side just send another "Dear Comandante" letter as they did over a year ago suggesting negotiations and that they stood ready to substitute for the State Department to talk about these things? They never really got a satisfactory answer. They want the State Department to try diplomacy when their own diplomacy failed.

Is there any accounting for that logic?

Mr. GINGRICH. Well, I think the thing the American people have to confront and it goes way back, again, and in a minute I am going to introduce a list of spies who have been arrested since 1975, and it is the same phenomenon. We are not only dealing with ostriches who refuse to learn but they are ostriches with amnesia because when they do manage for a moment to learn something they forget it as quickly as possible.

And the same people who sent a letter 2 years ago saying "Please be nice" sent a letter last year saying that, "Oh, we had a pet crocodile next door," and as it ate each of your children you kept sending them notes saying "Please don't eat any more."

I yield to the gentleman.

Mr. HYDE. Am I correct that the gentleman is a Ph.D. in history?

Mr. GINGRICH. That is true.

H 4006

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

Mr. HYDE. Is it the gentleman's experience that there are two general types of ignorance, vincible ignorance and invincible ignorance? And would you suggest that people who continually read history and read the newspapers, yet it has not sunk in that Marxism-Leninism is revolutionary, that it is a derogation of every decent human feeling, it is the greatest assault on the spirit of man in recorded history, and still will not do anything about it, would the gentleman say that is a result of ignorance, vincible ignorance, invincible ignorance, or perhaps the old French saying that "Ignorance is salvageable but stupid is forever"? Which of those you say it is?

Mr. GINGRICH. I have to say to the gentleman from Illinois that it took me 5 years of sitting in this House to begin to understand this because I kept dealing with people, Members of this body who are smart people, they have very high IQ's. Many of them have law degrees or Ph.D's of their own. They are articulate, the words flow.

There was something missing. I kept listening.

In August of 1983 we had a debate on Central America in which some of these ostriches said things that were so savagely and totally wrong, so vicious about the people who are for America and for freedom, that I sat up and, sitting right over here, I sat up and said after listening to 6 hours of this debate, trying to understand the psychology of our friends on the left who mean well but do bad; and as I listened to them I suddenly realized that we are dealing with a neurosis, that they are psychologically blocked from learning information because in the case of some of them, very early in their life, in the Vietnam war cycle or during that period they came to the conviction that America is the great danger in the world, not the Soviet Union, that it is the CIA, not the KGB, that it is Americans spying, not Russians spying, and they believed that so passionately that they cannot unlock themselves psychologically and learn enough about the nature of the Soviet state.

□ 1750

Mr. HYDE. Will the gentleman yield?

Mr. GINGRICH. I will be glad to yield.

Mr. HYDE. I think one of the problems is almost—it is political and cultural. If Ronald Reagan were to say it was midnight, they would have a resolution here saying it is high noon. If Ronald Reagan were to say Newton's three laws of motion are still operative, there would be an outright rejection of that notion as out of date or unscientific.

So that fact is that if Ronald Reagan recognizes the threat in Central America, it must be wrong, and I think that we are fighting that cultur-

al-political bias that does not respond to the facts, or to reason.

Mr. GINGRICH. I think the gentleman is correct. Let me just say that, to go back for one last time to this letter which is so systematically misleading based on a poll which itself was propaganda, Joe Napolitan was a great Democratic campaign professional, wrote a book called "The Election Game and How to Win It."

In that book he has a rule in which he said that the American people—you should never underestimate their intelligence nor overestimate how much information they have. And what he was saying to candidates and to politicians and the campaigners is, "Don't think the American people are stupid. The American people are pretty smart, given time, given the information." They are smart enough to buy a house, to find a job, to live in a neighborhood, to raise their children, to elect the government.

But do not assume that on any given issue that they know a great deal, because the average American is very busy; they have many ways to spend their life. They do not have an obligation to spend all day studying Central America.

Now let us look at what happens if we add one piece of information to a poll. In the poll that we released, the question was asked, quote: In several countries around the world, there are rebel forces fighting Communist governments. Some people consider these rebel forces to be freedom fighters and believe our country should help them. Others say we should not interfere in the affairs of other countries or get involved in these civil wars. What is your opinion? Should we help these rebel forces or not get involved? How strongly do you feel about that? Very strongly or not too strongly.

Notice, the way that was asked was very balanced; it did not say they are freedom fighters; it said some people say they are, some people say they aren't. It did not say we ought to get involved; it said some people say we should, some people say we should not.

Given that question without any other information, 30 percent are in favor of helping the rebels; 60 percent are against, which is—fits; not as strong as the Harris poll, but fits the general direction.

But then in this poll they added one piece of information, which happens to be true: If you learned that Nicaragua was Communist and was trying to establish other Communist governments in Central America, would you support our country helping the anti-Communist rebels in Nicaragua or oppose our getting involved in this civil war?

In other words, once we said to you, the Government of Nicaragua is Communist, which it is, and the Government of Nicaragua is fighting wars against its neighbors, which it is, what then would your opinion be?

It turned out that with that additional information what was a 30-percent for help/60-percent against shifted to 49 percent in favor of helping, 44 percent against. In other words, those against getting involved dropped by 16 percentage points; those in favor of getting involved rose by 19 percentage points on one sentence.

Now this does not say, as it could, if you knew there was a 12,000-foot Soviet runway being built to handle Soviet bombers; if you knew that there were three guerrilla movements; one in Guatemala, one in Honduras, and one in El Salvador, all involved directly in fighting, based in Nicaragua. It does not say, if you knew there were Soviet advisers and Cuban advisers building a Communist police state. It does not say, if you knew that Nicaragua is close enough to the Panama Canal that one airplane with one laser-guided bomb could close the canal, all of those possibilities are there. None of those are built in.

Yet, I am absolutely convinced that as the American people get more information about Central America, there is a greater and greater likelihood that in fact they will not only support efforts to make sure the freedom fighters win and the Communists lose, they will insist on efforts to make sure that we cut out the cancer of communism in Central America.

So let me carry it a stage further, because I think there is a framework here people need to look at. We have been deceived by the Soviets into allowing them to use language that gets us to relax while they wage war. The Soviet Union is waging war against us. There is a fascinating new book called "Breaking with Moscow" by Arkady N. Shevchenko. It is on the best seller list; it has only been out for a very short time.

In this book he lists again and again and again the nature of the Soviet system, the problem we face; a 1985 book. This is what he says, quote:

What I want is to share with the reader my experiences under the Soviet system, to tell the truth about it as I lived it, to inform the public of Soviet design and to warn of the dangers they present to the world.

He goes on to say, and I quote:

This is, by the way, for those who do not know, Shevchenko is the highest ranking Soviet official ever to defect. Shevchenko had very, very high offices; he was close to Dobrynin, who was Ambassador to the United States; he was a protege of Gromyko, who is the Foreign Minister; he rose to become the number two man at the United Nations; he was the Under Secretary General of the United Nations, and the highest Soviet official ever to defect to the West.

Now, what does that high-ranking Soviet official say? Quote: From his foreword he says:

It is vitally important for the West to know as accurately and as completely as possible the thinking and attitudes of those who make policy in the Kremlin.

He says again and again in his book about the Kremlin, that: it is a coun-

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 4007

try that is systematically plotting against the United States; it is a country which is engaged in trying to destroy the West; it is a country which thinks of assassination as routine; it is a country which is committed to fighting a secret war against the Americans.

This is a book by the most top-ranking Soviet official every to defect. Still, you might say, let us look at the spy case; the most recent example, and my question will be, why are we surprised by it?

One brief list from the Federal Bureau of Investigation, of people that have been convicted of espionage in the United States starting under Jimmy Carter. This is a partial list, and it is one we got worked up just for today.

For example, a gentleman in 1975 arrested, convicted in July 1976, 3 years in prison, espionage. Edwin Gibbons Moore II, CIA retired; arrested December 1976 for espionage; sentence began June 1977; sentenced to life imprisonment.

Andrew Dalton Lee; arrested January 1977 for espionage and conspiracy; sentenced to life term. Christopher Boyce, the basis for the movie, "Snowman and the Eagle," Arrested January 1977 for espionage and conspiracy; sentenced to 40 years in September 1977.

Rogalsky, arrested January 1977 for espionage and conspiracy; found incompetent to stand trial as a sick and tormented individual.

Alexandrovitich Enger, arrested May 1978 for espionage and conspiracy; sentenced to 50 years. He was then exchanged to the Soviet Union; he was a Soviet.

Rudolph Chernyayev; arrested with Enger for espionage and conspiracy and released in return for 5 Soviet dissidents.

William Peter Kampiles, arrested August 1978, sentenced and convicted to 120 years in prison.

David Henry Barnett, arrested October 1980, sentenced in January 1981 to 18 years in prison for delivering defense information for a foreign government.

Mark Andrey DeGeyter, arrested in June 1980, sentenced in 1980 for 4 months in prison and a \$500 fine; essentially for bribery.

You go down the list. Item after item; espionage and conspiracy, life sentence, and so forth. There are 29 just on this list alone, of spies.

This is only the United States. There was a fascinating article in the June 14 National Review by Brian Crozier called "The Spying Business," pointing out—and he starts by saying, quote:

When in April the British authorities expelled four Soviet officials with diplomatic status, and an Aeroflot manager, the Soviet diplomatic representation in London was reduced accordingly.

In other words, the permitted number of Soviet diplomats in London, which had stood at 43, was cut to 39. The Aeroflot man

being a member of an ancillary organization that permitted stealing for ancillary organizations, was cut from 105 to 104.

This very healthy habit of numerical reduction of Soviet representation when spies are uncovered was started in 1971 when Edward Heath was Prime Minister, one of the few good things he did, perhaps. And Sir Alec Douglas Hume, his foreign secretary. That was when the splendid world record of 105 Soviet spies expelled or denied reentry was set.

Close quote.

Note that. On one day in 1971, the British Government, getting disgusted with Soviet spying, kicked out 105 spies in 1 day.

Now, recently President Mitterrand of France kicked out no fewer than 47 Soviet spies. The point I am driving at is that again and again and again we find that there is a consistent pattern of Soviet spying.

□ 1800

Crozier quotes from Shevchenko's book and says, quoting Shevchenko:

It was easy to distinguish KGB professionals from diplomats and others. The first giveaway was money. The KGB had it and spent it much more generously than real diplomats. Of the 28 men in Shevchenko's section in 1968, that is 28 people working in the United Nations, supposedly, 21 were either secret police or military intelligence Soviet agents.

Now, think about this. When you go to New York City and you see the United Nations and you see literally hundreds of Soviet people working at the United Nations, in this one case 21 are Soviet secret agents, 7 are legitimate workers for the United Nations.

Let me suggest that we should not be surprised by spying. We should not be surprised by the Soviet secret war. Again, to go back for just a second to John Barron's book, at the very back of his book he has a section in which he lists page by page, country by country, Soviet officials expelled or withdrawn because of involvement in spying, 1974 to 1983, from Canada, Switzerland, the United States, Sudan, Sweden, Portugal, North Yemen, West Germany, Pakistan, Norway, Italy, Singapore, the list goes on and on for five pages of single-spaced names of Soviet spies who were expelled.

There is a very old book on "The Art of War" by Sun Tzu, who was a Chinese who wrote in 500 B.C. There is a new edition, with a foreword by James Clavell, who many people know of because he wrote "Shogun" and "Noble House" and "Tai-Pan." And in "The Art of War," the last chapter, fascinatingly enough, is a chapter on the use of spies, and the chapter argues that the most powerful way of waging war is to have spies, that spies are cheaper than armies, that spies tell you the things you need to know, and that having spies gives you more advantages in a war than any other asset.

It is a fascinating book, and I in particular think that for anyone who has read "Shogun" or "Tai-Pan" or "Noble House" or "King Rat," which are the four books James Clavell wrote, the

introduction is well worth the reading, the foreword to the book. He says, quoting now the novelist Clavell:

I truly believe that if our military and political leaders in recent times had studied this work of genius, Vietnam could not have happened as it happened; we would not have lost the war in Korea—we lost because we did not achieve victory—the Bay of Pigs could not have occurred; the hostage fiasco in Iran would not have come to pass . . .

He goes on to quote Sun Tze, who said, quoting from Sun Tzu: "Supreme excellence consists in breaking the enemy's resistance without fighting."

In other words, if you can be defeated without a war, if the enemy can defeat you without bloodshed, that is the best of all victories. So you look at all the Soviet spies, you look at the Soviet manipulation of Nicaragua, you look at the Soviet alliance with Cuba, and you ask yourselves if they in the Soviet Union studied Sun Tzu.

He goes on to say:

I think this little book shows clearly what is still being done wrong, and why our present opponents are so successful in some areas—Sun Tzu is obligatory reading in the Soviet political-military hierarchy and has been available in Russian for centuries; it is also, almost word for word, the source of all Mao Tse-tung's little red book of strategic and tactical doctrine.

Now, Clavell says, having explained the book, the following:

I sincerely hope you enjoy reading this book. Sun Tzu deserves to be read. I would like to make the "Art of War" obligatory study for all our serving officers and men, as well as for all politicians and all people in government and all high schools and universities in the free world. If I were a commander in chief or president or prime minister, I would go further: I would have written into law that all officers, particularly all generals, take a yearly oral and written examination on these 13 chapters, the passing mark being 95 percent—any general failing to achieve a pass to be automatically and summarily dismissed without appeal, and all other officers to have automatic demotion.

I believe, very much, that Sun Tzu's knowledge is vital to our survival. It can give us the protection we need to watch our children grow in peace and thrive.

Always remember, since ancient times, it has been known that . . . the true object of war is peace.

Let me read the very opening line from Sun Tzu:

The art of war is of vital importance to the state. It is a matter of life and death, a road either to safety or to ruin. Hence under no circumstances can it be neglected.

The purpose of this evening's special order is to simply lay out and to suggest to the American people, the American Government, and the American Congress that we do not study Leninism very well, that probably there are not 20 Members of the House who have any real notion of the doctrines of Lenin, yet Lenin is the driving writer behind all Soviet behavior, that we do not study the Soviets very well, that we do not look at the Grenada Documents, which are available for free, which every Congressman can get a copy of from the State

H 4008

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

Department, which every citizen can read, which every newscaster can look at, which every church group can study. So we do not know from Grenada the lessons of seeing a Communist government from the inside, the things we have learned from looking at how Communists function, that we do not have a historical memory, that we do not pay attention to how does it all fit, how does Nicaragua tie into Cuba, how does Cuba tie into Angola, how does Angola tie into Ethiopia, how does Ethiopia relate to South Yemen, how does South Yemen relate to Afghanistan, how does Afghanistan relate to Cambodia and Vietnam, how do they relate to shooting down a Korean airliner by a Soviet plane, how does that relate to killing Major Nicholson in Germany by a Soviet soldier, why do all of those relate to the spies who infiltrate American and seek to destroy us by a secret war rather than a nuclear war.

Because we do not study this, because we do not take Sun Tzu seriously, because we do not link together the lessons of history and the lessons of geography, we are surprised again and again and again. It is my hope that in the next few weeks the Intelligence Committee will decide to hold a series of public hearings systematically looking at the nature of the Soviet threat, the Doctrine of Leninism, the lessons of Grenada and the way in which we Americans can begin to arm ourselves with knowledge. It is my hope that in the next few weeks the executive branch, with leadership from the White House, will decide that the time has come to systematically once a week brief the American news media and brief the American Congress, to bring together on a declassified basis all information relating to the Soviet war against freedom from all over the planet so that every week it will be relatively easy for the news media and elected officials to learn in context, in historical context, in doctrinal context, in strategic context, in geographic context, to learn what is happening.

I hope that in the near future we will have organized a "Grenada week" for October 26 of this year in which every American citizen will feel that there is something to be studied, something to be looked at. I hope that high school and college classes will begin to read John Barron's "KGB Today," a paperback which reads like a novel and which could be available for reading classes all across America this fall. The chances are there, and they are real.

Finally, I hope both Democrats and Republicans of both the right and left will feel free to participate on Thursday afternoon special orders to bring together information so we Americans can educate ourselves.

In closing, let me say that I honestly and deeply believe in James Madison's injunction, engraved in stone in the great Library of Congress Building named for him just up the street,

"Knowledge shall forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which only knowledge gives."

Thanks to the Grenada papers, thanks to Soviet defectors like Shevchenko, thanks to the work of our own intelligence agents, our own scholars, we have the knowledge available if we have the will to learn it. As a free people, it is up to us. Are we going to be surprised again and again for the rest of our lives, until some day our grandchildren are not free? Or are we going to learn systematically and calmly and methodically so that together we can learn what is the nature of the Soviet threat, what is the nature of communism in Cuba and Nicaragua, and what are the wise policies which a free people can undertake in order that in the long run freedom shall remain not only for our grandchildren but shall be acquired by all of the people and all of the children of the world.

□ 1810

GENERAL LEAVE

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from Colorado [Mrs. SCHROEDER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

[Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SILJANDER] is recognized for 60 minutes.

[Mr. SILJANDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN] is recognized for 15 minutes.

[Mr. McEWEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mrs. BENTLEY] is recognized for 10 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

THE REPRODUCTIVE HEALTH EQUITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GREEN] is recognized for 10 minutes.

● Mr. GREEN. Mr. Speaker, I rise today to introduce legislation for myself and my colleague from California, Mr. FAZIO. We are joined in this effort by 70 of our colleagues from throughout the Nation. The Reproductive Health Equity Act [RHEA] addresses the fact that equal access to abortion for all women is no longer a question of constitutional rights. It is a matter of legislated economic discrimination. It is a maternal and child health care issue. Women who depend on the Federal Government for their health care, either as an earned benefit or an entitlement, do not have the same access to abortion as do other women. RHEA is designed to eliminate this discriminatory health policy.

Twelve years ago, the Supreme Court ruled that a constitutional right to privacy was "broad enough to encompass the decision of a woman whether or not to terminate her pregnancy." That decision, Roe against Wade, was reaffirmed and reinforced by the Court in June 1983—Akron Center for Reproductive Health against City of Akron. In that same month, an attempt to overturn the Supreme Court decision by passing a constitutional amendment decisively failed in the Senate.

It is now clear that the Court will not go back on its decision to allow women the right to choose an abortion. And yet this constitutional right is being denied hundreds of thousands of American women because Congress over the past decade has succumbed to guerrilla attacks on "must-pass" spending bills. As a result, Peace Corps volunteers, military personnel and their dependents, Medicaid recipients, Federal employees, D.C. residents and native American women face obstacles imposed by Congress that are not encountered by women who are not subject to Federal Government control over their health care. In one way or another, either through denying funds for medical assistance or restricting earned benefits, the Federal Government has attempted to exercise control over women's medical choices.

Hapless minorities have been picked off one by one, in a context where the overriding pressure has been to pass broadly based bills for the funding of the Government. These groups are rarely represented; singularly they lack clout. The most lenient of the abortion restrictions on appropriations bills prohibits the use of Federal funds for abortion except to save the life of the mother. However, these restrictions do not consider the health risks that may be involved by denying other women access to abortion.

We are introducing the Reproductive Health Equity Act to remove the

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 4009

current restrictions on the use of Federal funds for abortions in order to bring these women under the same umbrella of rights the Supreme Court affirms for the general citizenry.

The Reproductive Health Equity Act should not be viewed as a means of making abortion a method of family planning. Clearly, abortion should be considered a last resort to unwanted pregnancy, not a means of birth control. Improving family planning education and access to contraceptive services remain first priority.

However, we must realize that a woman's right to choose whether or not to terminate a pregnancy is the right to make a private, personal health care decision. For many women who are forced to carry an unwanted pregnancy to term, both mother and child frequently face great health risks and other difficulties. It must also be realized that denying women access to their constitutional right to choose does not reduce the numbers of abortions. It only results in many women who are discriminated against having few options other than to resort to self-induced abortions. We can recall enough horror stories from the pre-Roe against Wade days to know that this is not a solution to unwanted pregnancy.

This discriminatory health care policy represents an intrusion that is unjust. It is clear that the general public does not support abridging a woman's right to choose abortion. For example, a New York Times/CBS poll taken in October of 1984 showed that 63 percent of the public opposed a constitutional amendment outlawing abortion. Therefore, I believe there would be little public support were the Congress to try to abridge the right to choose for all of these affected groups directly instead of behind the cloak of riders and amendments. Passage of the Reproductive Health Equity Act will end this blatant economic discrimination, and ensure that all members of our society may exercise their constitutional right to terminate a pregnancy.

The text of this bill follows:

LIST OF COSPONSORS

Original cosponsors of the Reproductive Health Equity Act, 99th Congress, in addition to those listed on the bill:

Mr. Torricelli, Mr. Frank, Mr. Williams, Mr. Wirth, Mr. Weiss, Mr. Kastenmeier, Mr. Conyers, Mr. Garcia, Mr. Ford of Tennessee, Mr. Kostmayer, Mr. Edgar, Mr. Evans of Illinois, Mr. Fauntroy, Mr. Wolpe, Mr. Bosco, Mr. Clay, Mr. Gilman, Mr. McKinney, Mr. Gejdensen, Mr. Wyden, Mr. Levin, Mr. Mitchell, Mr. Roybal, Mr. Torres, Mrs. Roukema, and Mr. Hawkins.

H.R. 2691

A bill to amend various provisions of law to ensure that services related to abortion are made available in the same manner as are all other pregnancy-related services under Federally funded programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)

this Act may be cited as the "Reproductive Health Equity Act".

(b) Congress finds that—

(1) abortion is a legal medical service related to pregnancy and the choice to elect an abortion is a personal, private right protected by the Constitution;

(2) the Federal Government provides assistance and employee benefits for pregnancy-related care for substantial numbers of women under a variety of Federal programs, including the medicaid program, the Indian health care program, the Federal employees' health benefits program (FEHBP), the program of health care for military dependents and retirees (CHAMPUS), the Peace Corps program, and general payments to the District of Columbia;

(3) pregnant women who otherwise are provided pregnancy-related care under these programs have been denied equal access to health care services due to Congress' severe and unjustified restrictions on their freedom to choose services that relate to abortion; and

(4) denial of access to health care services because those services relate to abortion is unjust and unfair to pregnant women who are or whose spouses are employed by the Federal Government or who otherwise are dependent on the Federal Government for health care and threatens the health and well-being of themselves and their families.

SEC. 2. (a) Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), relating to medical assistance under the medicaid program, is amended—

(1) by striking out "and" at the end of subparagraph (C),

(2) by inserting "and" at the end of subparagraph (D), and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) for making medical assistance available with respect to services related to abortion in the same manner as such assistance is provided with respect to other pregnancy-related services;"

(b) Section 8904 of title 5, United States Code, relating to the type of benefits under the Federal employees' health benefits program, is amended by adding at the end the following new sentence: "All plans contracted for under this section shall include benefits for services related to abortion in the same manner as for other pregnancy-related services."

(c) Section 201(a) of the Indian Health Care Improvement Act (25 U.S.C. 1621(a)), relating to the direct or indirect patient care program for Indians, is amended by inserting after the first sentence the following new sentence: "Funds appropriated pursuant to this section for each fiscal year are available to provide services related to abortion in the same manner as such funds are available for other pregnancy-related services."

(d)(1) Section 1074 of title 10, United States Code, relating to medical and dental care for members and certain former members of the uniformed services, is amended by adding at the end the following new subsection:

"(c) Medical care provided under this section shall include services related to abortion in the same manner as they include other pregnancy-related services."

(2) Section 1077(a)(8) of such title, relating to medical care for dependents of members of the uniformed services, is amended by inserting before the period at the end the following: ", including services related to abortion in the same manner as other pregnancy-related services".

(e) Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)), relating to health care for Peace Corps volunteers, is amended by inserting after the first sentence the following new sentence: "Health care provided under this subsection shall include services related to abortion in the same manner as they include other pregnancy-related services."

(f) Section 502 of the District of Columbia Self-Government and Governmental Reorganization Act, relating to the authorization of appropriations of the Federal payment to the District of Columbia, is amended by inserting "(a)" after "502." and by adding at the end the following new subsection:

"(b) Amount appropriated pursuant to the authorization provided under this section shall be made available for services related to abortion in the same manner as such amounts may otherwise be made available for other pregnancy-related services." ●

THE ECONOMIC EQUITY ACT OF 1985—RETIREMENT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

● Mrs. SCHROEDER. Mr. Speaker, today members of the Congressional Caucus for Women's Issues and myself bring the Economic Equity Act of 1985 to the attention of the House. This omnibus legislation, introduced as H.R. 2472 on May 13, currently has 93 bipartisan cosponsors. The Equity Act is a 22-point economic agenda that addresses women's retirement security, dependent care, insurance, employment, and tax reform.

We at the caucus have developed substantive briefing material on the need for our Economic Equity Act, which we want to share with our colleagues today. After reviewing this material, Members interested in joining us in support of the Equity Act should sign on as cosponsors of both the omnibus legislation and the individual bills that comprise the Act. The economic equity train is leaving the station and I know that Members will want to get on board.

Today I draw the attention of my colleagues to the first title of the Economic Equity Act—retirement security. The following background material describes the need for greater retirement security for women and details the individual bills addressing the need in our Equity Act legislation.

I. RETIREMENT SECURITY

A. Private Pension Reform (Kennelly).

B. Social Security:

1. Earnings Sharing (H.R. 158, Oakar).

2. Disabled Widow(ers) (H.R. 159, Oakar).

3. Transition Benefit (H.R. 160, Oakar).

4. Disability Definition (H.R. 556, Oberstar).

C. Military Spouse Pension Reform (H.R. 2365, Schroeder).

Full security for retirement is often likened to a three-legged stool: private pensions, Social Security, and private savings function together to create a stable support for the elderly. The three-legged stool for women, however, tends to be unsteady.

Men and women are changing jobs more rapidly now than ever. The greater mobility

H 4010

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

of women, however, has meant low benefits for the few women who receive private pensions. The breadwinner/homemaker model upon which Social Security is premised leads to low benefits for women who have been both homemaker and worker outside the home. Current limitations on Individual Retirement Accounts for married couples with a nonworking spouse discourages homemakers from developing adequate private savings. (See Spousal IRA provision described in the TAX REFORM briefing paper.)

The result of these inequities has been the increasing poverty of older women:

As of 1983, older women had a median income of \$5,599, as compared to the median income of \$9,766 for older men. Forty-four percent of these women had incomes of less than \$5,000 in 1983. Less than one in five men had an income of less than \$5,000.

More than 2.6 million older women had incomes below the poverty level in 1983.

A. Private pension reform

In 1983, 11.3% of women over age 65 were receiving a private pension averaging \$2,634 a year. By comparison, 29.6% of men were receiving a private pension or annuity averaging \$4,491 a year.

The Retirement Equity Act of 1984 (P.L. 98-397) reformed the Employee Retirement Income Security Act (ERISA) to provide better protection of survivor benefits and to improve coverage for working women. Additional ERISA reforms are necessary to enhance private pension benefits for all workers.

Traditionally, pension plans have rewarded long and continuous service—a policy which deprives many working women of private pensions. Due to the high mobility of today's work force, many women and men are unable to accrue the required number of years of service to receive full retirement benefits, or they accrue small benefits with more than one employer. Statistics show that in 1983 the median number of years in one job was 3.7 years for women and 5.1 years for men.

In order to respond to new work patterns, a new concept of pension policy is emerging: workers should receive pension credit for all of their working years.

Focusing on the Vesting, Integration, and Portability requirements of private pension plans, H.R. —, the V.I.P. bill (Rep. Barbara Kennelly), reforms current pension plan requirements.

Vesting: Currently, most pension plans require a person to work for ten years to be fully vested in his or her benefits. This bill would reduce from ten to five the numbers of years a person must work to be vested.

Integration: The bill would modify the practice of integration, by which a pension plan participant's earned benefit is offset by a percentage of Social Security benefits the employee will receive. This practice often effectively eliminates private pension benefits to low-income workers. Women, largely segregated into low-paying jobs, would benefit from the proposed integration reform that would require plans to provide a minimum pension benefit above the Social Security benefit.

Portability: Under the portability modification, small vested pension benefits accumulated over short five year periods could be rolled over into Portable Pension Accounts. These accounts could not be drawn upon before retirement without penalty nor added to from new earnings. This ensures that retirement money is kept for retirement, but allows the employee some control over its investment.

In addition to these changes which reform the requirements for plan participation,

Rep. Kennelly's bill would also expand pension coverage. The following changes would allow workers to be covered by pension plans: Require plans to give part-time workers pro rata credit toward vesting and benefit accrual; require coverage of workers who begin plan participation within five years of retirement; require plans to give workers credit for service performed after the plan's normal retirement age (65).

B. Social Security

Only 14% of all women retirees—both homemakers and workers—receive any pension benefits other than Social Security.

Many women discover, upon reaching retirement age or becoming disabled, that their Social Security benefits—the common denominator of most retirement plans—are not sufficient for both men and women, the differences in male and female working patterns create retirement inequities.

Workers are eligible for Social Security benefits only if they have worked for 40 quarters—the equivalent of ten years. Moreover, for every year over five spent outside of the labor force a zero is averaged into a person's wage record, lowering her benefit for life. Many homemakers have not worked outside of the home for the required number of years to be eligible for Social Security benefits and at the same time are penalized by the zero averaging if they have left the work force to care for their children.

In order to qualify for disability benefits, a person must have worked five of the ten years prior to the disability. Once again, the homemaker is often ineligible for these benefits.

1. Earnings Sharing

Currently, earnings records are maintained for individual workers. In a married couple, a nonworking partner is entitled to a spousal benefit equal to 50% of the worker's benefit. A retired worker receives the higher of her benefit options—either her spousal benefit or her own work record benefit.

Women combine work with family responsibilities in a variety of ways. They often work part-time, or interrupt their lives to raise children. Because of these different work patterns, a woman's own work record may be even lower than the spousal benefit, and she receives no credit for her out-of-home work.

The implementation of an earnings sharing plan would go far in correcting these inequities in the Social Security system. The theory behind the earnings sharing concept is that marriage is an economic partnership. Earnings sharing recognizes a woman's economic contribution to marriage, whether she be a homemaker or a worker outside of the home.

H.R. 158 (Rep. Mary Rose Oakar) would provide for the implementation of an earnings sharing plan. Under this earnings sharing plan, rather than keeping the records of spouses separate, their earnings records would be added together and divided equally. Each spouse would then have an earnings record in his or her own name. In this way, credits earned before or after a marriage would be added to the shared earnings credits in determining Social Security benefits.

Rep. Oakar's proposal would be implemented gradually to eliminate the possibility of a person receiving a lower benefit under earnings sharing than under current law. This hold-harmless clause protects spouses who are under the present Social Security system from losing benefits while the new benefit formula is being implemented.

Other Reforms

The following short-range reforms address specific problems that women encounter under the Social Security system.

2. Full Benefits for Disabled Widow(ers)

H.R. 159 (Rep. Mary Rose Oakar) provides full benefits for disabled widows and widowers without regard to age and without regard to any previous reduction in their benefits. Currently, disabled widows are eligible to receive reduced benefits at age 50. This reduction in benefits is never regained and younger disabled widows receive no benefits.

3. Transition Benefit for Displaced Homemakers

H.R. 160 (Rep. Mary Rose Oakar) provides for the payment of a transition benefit to the spouse of a worker upon the worker's death if the spouse has attained age 50 and is not otherwise immediately eligible for benefits. This will provide some income security for displaced homemakers during the transition to economic independence.

4. Definition of Disability for Widow(ers)

H.R. 556 (Rep. Jim Oberstar) repeals the separate definition of disability presently applicable to widows and widowers. Currently, widows and widowers are required to demonstrate "inability to perform any job" to qualify for disability benefits, while workers are only required to show inability to perform their own job.

C. Military spouse pension reform

Many military spouses find themselves without retirement benefits after a divorce. Although current law allows courts to consider military retirement pay in divorce settlements, many courts fail to recognize the contribution and sacrifices of the spouse to a military career. Due to frequent moves, a military spouse is unable to establish a pension based on years worked with a single employer.

In 1980 and 1982 Congress passed laws for CIA and Foreign Service spouses allowing them to claim a portion of retirement benefits based on years contributed to the career, subject to court review. This policy should be extended to military spouses.

H.R. 2365, the Uniformed Services Former Spouse Retirement Equity Act (Rep. Patricia Schroeder) would establish a pro rata presumption to the retirement pay for former spouses. The division would be subject to court review and would simplify annuity division. The bill would also expand options available to those members and spouses who want to participate in the military Survivor Benefit Plan to provide financial protection for a survivor upon the member's death.●

● Ms. SNOWE. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985 (H.R. 2472) was introduced and I am pleased to be a co-sponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on dependent care, the second title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Act of 1985:

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 4011

II. DEPENDENT CARE

A. Title XX of Social Security Act (H.R. 789, Kennelly).

B. Higher Education Act Amendments (H.R. 2111, Burton).

C. Child Care in Public Housing (H.R. 2176, Kaptur).

Women contribute significantly to the economic security of their families.

In 1984, nearly two-thirds of all women in the civilian labor force were either single (26%), divorced (11%), widowed (5%), separated (4%), or had husbands whose 1983 incomes were less than \$15,000 (19%).

Projections for the year 1995 indicate that there will be 61,417,000 women, 16 years and older, in the labor force for a participation rate of 60.3 percent.

Working women are often solely or largely responsible for the care of their children. Without affordable, accessible child care, these women cannot participate in the job market on an equal basis with men.

In 1984, 52 percent of mothers with children under six years of age were employed; 55 percent of mothers with school-age children were employed.

Despite the fact that more than 23 million children in the United States require day or after-school care, in 1982, there were federally supported day care slots for only 500,000 children—a number that would not meet the needs of parents in New York City alone.

Furthermore, women frequently take care of other family members—elderly parents, in-laws, or other relatives. One out of eight retired women left the work force in order to care for an elderly dependent. Eighty percent of all persons over age 65 receive some care from their children.

Services to make dependent care inside and outside the home more accessible and affordable are necessary for both the dependents and the women who are responsible for their care.

A. Title XX of the Social Security Act

Lack of affordable child care is a major factor keeping women and children in poverty. A recent Census Bureau survey found that 45% of nonworking single mothers would work if child care were available at reasonable cost.

Direct funding of dependent care programs is crucial at this juncture to allow millions of low-income women charged with the care of children or other dependents to provide essential economic support for their families.

Title XX of the Social Security Act, established in 1974 to provide social services funding to states, is the primary source of dependent care funding. In 1981, Title XX funds were reduced from \$2.9 billion to \$2.4 billion for FY 82 and the program was converted to a block grant. As a block grant program, funds are disbursed to the states which then make allocations among the various authorized social service programs.

In spite of the increasing need for child care services, 25 states spent less for child care in 1984 than they did in 1981, and 27 states served fewer children in 1984 than in 1981.

H.R. 798 (Rep. Barbara Kennelly) would provide for greater access to affordable child care through direct grants and the establishment of a national resource center on child care. H.R. 798 would increase the Title XX social services block grant authorization level from \$2.7 billion to \$3.42 billion, the approximate level at which Title XX would have been funded this year had cutbacks not been instituted in 1981. Of these funds, \$300 million is set aside for child care.

Also emphasized in the bill are provisions for services to prevent child abuse and to

train child care workers. It provides \$70 million for child care training and training for other human services staff and \$50 million for incentive grants to states to encourage implementation and enforcement of day care regulations published by the Department of Health, Education, and Welfare in 1980.

B. Child care under the Higher Education Act

Higher education is often the ticket to economic self-sufficiency, for men as well as women. Yet women face particular obstacles to obtaining that education. Many women leave school to have children and must find child care services if they are to return to school.

For economically disadvantaged women, the cost of child care on top of other financial burdens may effectively preclude them from pursuing a college education. Providing child care services to these women enables them to stay in school and acquire skills and knowledge which would in turn qualify them for better paying jobs.

The more education a woman has, the greater the likelihood she will seek paid employment. In 1981, among women with four or more years of college, 69 percent were in the labor force, compared to 55 percent of those women with only four years of high school.

H.R. 2111 (Rep. Sala Burton) amends the Higher Education Act to address the need for special child care services for economically disadvantaged college students and to improve child care training opportunities. The bill would establish a grant program to make child care available to low-income, first generation college students. It also would provide for students to gain practical experience studying child care by funding part-time employment in child care programs. This training program must not displace current workers but expand the available child care services.

C. Child care in public housing

One in five children is growing up in a one-parent household. By 1990, the ratio will increase to one in four. Over one-third of these families, most often headed by women, live below the poverty level.

Of the 9.5 million women who maintained families in 1982, 60.4 percent were civilian labor force participants, 11.1 percent were unemployed.

At the end of 1984, 41.3 percent of households in public housing projects were headed by females.

Access to affordable child care within public housing projects would allow a large number of women who head households to seek full-time employment, thus increasing their self-sufficiency.

The fiscal year 1984 supplemental appropriations bill (Public Law 98-181), authorized demonstration projects for child care facilities in public housing. However, funds were never appropriated for these projects.

H.R. 2176 (Rep. Marcy Kaptur) would establish grants for child care programs in public housing projects. Under the bill, public housing agencies would contract with nonprofit organizations within their communities to provide child care services to low-income families in public housing. The bill would also encourage the direct involvement of public housing residents by employing these residents—especially elderly individuals—in the child care programs.

● Mrs. BURTON of California. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985 (H.R. 2472) was introduced and I am pleased to be a cosponsor of this important piece of legislation. The omnibus bill

contains 22 separate items, dealing with women's retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on insurance, the third title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Act of 1985.

III. INSURANCE

A. Nondiscrimination in Insurance (H.R. 1793, Dingell/Florio/Mikulski).

B. Health Insurance Continuation (H.R. 21, Stark/Clay).

A. Nondiscrimination in insurance

Insurance is one of the remaining areas where discriminatory practices are permitted and even defended. But this discrimination costs women millions of dollars each year. Insurance companies use sex-distinct actuarial tables and statistics to determine pricing and payment schemes in auto, life, health, disability, pension, and annuity coverage. Common insurance practices discriminate against women in availability and extent of coverage, benefit levels, and availability of options.

Redlining—the practice of denying insurance or varying the terms of insurance for inner-city residents and business owners—has been reported to be an ongoing practice of property and casualty insurers in certain areas of the country. This practice has a disproportionate impact on racial and ethnic minorities and can preclude its victims from purchasing property.

H.R. 1793 (Reps. John Dingell, James Florio, and Barbara Mikulski) would prohibit discrimination in insurance on the basis of race, color, religion, national origin, or sex.

Court Action

The Supreme Court, in *Arizona Governing Committee v. Norris* (1983), held that the use of sex-distinct tables in calculating pension benefits for employer plans constituted sex discrimination under Title VII of the Civil Rights Act of 1964. The decision reaffirms the principle upon which this legislation is founded by squarely rejecting the use of actuarial tables that classify risk on the basis of sex.

In response to the *Norris* decision, may insurance companies are converting employer-purchased policies to unisex standards. Individual policies, however, are not covered by Title VII or the *Norris* decision, making H.R. 1793 essential to fair insurance practices.

The Pennsylvania Supreme Court recently held that differential auto rates for men and women violate the state Equal Rights Amendment. Other cases challenging the legality of this continuing discrimination under local nondiscrimination laws are pending. Federal legislation is necessary to end the practice of evaluating individual risks on the basis of broad and invidious classifications.

Federal Response

The nondiscrimination in insurance legislation has spurred controversy about costs to the industry of implementing the bill. In response to cost concerns, the bill:

Is completely prospective. There is no requirement to increase benefits for current beneficiaries. All future retirees or beneficiaries, however, would be ensured equal benefits when payment begins.

H 4012

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

Allows insurers to equalize future benefits in whatever manner they choose. There is no requirement for them to top up all benefits.

Has an effective date of one year after enactment.

In these ways, the bill would eliminate discriminatory insurance practices without imposing high costs on insurance companies.

B. Health Insurance Continuation

Eighty-five percent of all health insurance is group insurance—generally provided through employment. Many American workers and their families receive health insurance benefits in this manner.

A change in marital status—divorce or widowhood—often leaves the surviving or former spouse of an employee without health coverage. Six million widows and divorced women are unable to obtain any health insurance. Although these women are sometimes allowed to convert the employer-provided group coverage to an individual policy, this is very expensive and often excludes any pre-existing conditions.

The surviving or former spouse consequently is put into the position of paying much more for health insurance while receiving less. A common occurrence is that these women must do without health coverage altogether.

H.R. 21 (Reps. Pete Stark and Bill Clay) would require insurers to continue health insurance coverage of these women and their families for five years. Specifically, the bill would deny business tax deductions for group health insurance to employers who fail to provide five years of continuation coverage to widows, widowers, and their dependent children; divorced and separated spouses and their dependent children; and spouses under age 65 of Medicare eligible employees. In order to continue in the group, the former or surviving spouse would be required to pay the entire premium. ●

● Mrs. LONG. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985, H.R. 2472, was introduced and I am pleased to be a co-sponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on employment, the fourth title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Equity Act of 1985.

IV. EMPLOYMENT

A. Pay Equity:

1. Enforcement and Education (H.R. 375, Oakar).
2. Federal Study (H.R. 27, Oakar).
3. Legislative Study (H. Con. Res. 139, Snowe).

B. Training for AFDC Mothers (H.R. 880, Johnson).

C. Women in Business:

1. Commission (H.R. 887, Moody/Boggs).
2. Equal Credit (H.R. 1575, Mitchell/Boggs).

A. Pay equity

The principle of pay equity describes a means to correct the wage gap that exists between men and women. Presently, women earn 63¢ for every dollar a man earns. This ratio is even lower for black and Hispanic women who earn 58¢ and 53¢ respectively.

Many studies have been conducted to determine whether the wage gap is due to fac-

tors other than discrimination, such as attachment to the work force, level of experience, education, and job commitment. These factors have accounted for generally one-fourth, and never more than one-half, of the difference in earnings. Most studies concur that the wage gap is due in large part to discrimination.

In 1983, women workers with four or more years of college education had an average income slightly above that of men who had only one to three years of high school—\$14,679 and \$12,117, respectively. Women high school graduates (no college) working year round and full-time had an average income that was lower than that of fully employed men who had completed less than eight years of elementary school—\$13,787 and \$14,093, respectively.

Of the top ten predominantly female jobs, only one pays more than \$14,000 a year. In contrast, only one of the top ten male-dominated jobs pay less than \$14,000.

Pay equity will eliminate sex and race discrimination from the wage-setting process and pay women and men according to their jobs' worth. It requires that wages be based on the skill, effort, responsibility, working conditions, and other factors related to job content, rather than based on historical patterns of discrimination.

Legal Background

Laws and judicial decisions have paved the way for implementation of pay equity. The Equal Pay Act of 1963 mandates equal pay for equal work and Title VII of the Civil Rights Act of 1964 prohibits sex discrimination in wages and other benefits of employment. Twenty years after the passage of these laws, however, discrimination in wages and compensation persists.

In 1981, the Supreme Court ruled in *County of Washington v. Gunther* that a wage discrimination action may be maintained under Title VII even where the jobs performed are not identical.

1. Enforcement and Education

Existing law supports the principle of pay equity and its implementation. What is now needed is more rigorous enforcement of these laws and educational efforts on ending sex discrimination in employment.

H.R. 375 (Rep. Mary Rose Oakar) would require the Equal Employment Opportunity Commission (EEOC) to develop an educational program on eliminating sex-based wage discrimination from private sector pay systems. The bill would also mandate periodic reports by the Chair of the Equal Employment Opportunity Commission, the Secretary of Labor, and the Attorney General to the President and Congress describing the activity each agency has taken to enforce current laws which prohibit sex-based wage discrimination.

Job Evaluation Studies

One manner in which wage discrimination is identified is through a job evaluation study. Job evaluation studies provide a technique for assessing the relative worth of different jobs. Through numerical rating systems, the skill, responsibility, effort, and working conditions of different jobs can be objectively compared.

These job evaluation techniques have been used for many years as a method of determining wages. It is estimated that almost two-thirds of the adult working population are already paid on the basis of a job evaluation scheme. Thirty-five states are conducting or implementing the results of such studies. The federal government, as the nation's largest employer, should ensure that its wage practices are nondiscriminatory.

2. Federal Study

H.R. 27, the Federal Pay Equity and Management Improvement Act of 1985 (Rep.

Mary Rose Oakar), calls for an independent consultant to conduct a study of the federal civil service pay classification system. The final report is to include recommendations for correcting any discriminatory wage practices identified.

3. Legislative Study

H. Con. Res. 139 (Rep. Olympia Snowe) establishes a commission that would in turn select a private contractor to conduct a study of the pay practices of the Library of Congress. The commission would then make recommendations to implement pay equity throughout the legislative branch.

Where studies have been conducted and pay equity plans implemented over time, the costs to the employer have been minimal. The tangible and intangible benefits to both the employer and employee, however, have been immeasurable.

B. Education and training for AFDC mothers

Almost 60 percent of women on AFDC have children under the age of six.

Over two-thirds of AFDC recipients have not completed high school.

While entering the work force is difficult for any woman, a woman who lacks a high school education, marketable skills, and child care assistance is highly unlikely to be aware of her abilities and career options or successful at seeking employment.

H.R. 880 (Rep. Nancy Johnson) would establish a demonstration program, with six pilot projects in urban areas and four in rural areas. The pilot programs would offer 20 hours a week of education or training to single AFDC parents, with emphasis on assisting participants to obtain a high school diploma, develop a career plan, and pursue appropriate special training.

Projects would provide child care services and transportation to enable parents to participate. Utilization of facilities that are already available in the community, such as classroom space and school buses, is encouraged to minimize the costs for instruction, on-site day care, and transportation.

Newly employed people often return to the welfare rolls because they cannot afford child or health care. These services are continued on an income-related basis following completion of the program to assist in the transition to self-reliance.

C. Women in business

In 1984, three million women owned businesses and generated over \$40 billion in revenue.

In 1983, women owned 26% of all sole proprietorships.

Between 1972 and 1983, the number of self-employed women grew by 77.8% as compared to a 28.5% increase for men.

1. Commission

H.R. 887 (Reps. Jim Moody and Lindy Boggs) would create a nine-member bipartisan commission to review and evaluate the status of women-owned small businesses. The panel would submit a report of its findings to the President and to Congress after a two year period. The commission would also:

Examine the role of the government in enhancing small businesses, particularly businesses owned by socially and economically disadvantaged women;

Recommend ways for women business owners to gain access to financing and procurement;

Recommend new private sector initiatives to provide technical assistance to women-owned businesses.

This Commission would complement the Administration's efforts to study women and small business by focusing on federal

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 4013

procurement and involving the legislative branch.

2. Equal credit

The Equal Credit Opportunity Act was originally intended to apply to business and commercial loans with a few exceptions. However, the interpretation of these exceptions has led to the effective exemption of business and commercial credit from the purview of the Act. Women are protected from credit discrimination as individuals, but encounter problems when applying for business credit.

H.R. 1575 (Reps. Parren Mitchell and Lindy Boggs) would amend the Equal Credit Opportunity Act to clarify its application to business and commercial loans. ●

● Mrs. SCHNEIDER. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985 (H.R. 2472) was introduced and I am pleased to be a co-sponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on tax reform, the fifth title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Act of 1985.

V. TAX REFORM

A. Head-of-Household ZBA (Kennelly).

B. Earned Income Tax Credit (Rangel).

C. Dependent Care Tax Credit (Snowe).

D. Spousal IRAs (H.R. 797, Kaptur).

E. Nondiscrimination in Clubs (H.R. 876, Gejdenson).

Current tax policies are based on a traditional family model which presumes women to be economically dependent and fails to recognize the economic realities of our rapidly changing social structure. Moreover, the tax policies implemented since 1981 have contributed to a disproportionate tax burden on the working poor.

Simplification of the federal tax system is likely to be a major issue of the 99th Congress. Several reform proposals have been recommended. Sen. Bill Bradley and Rep. Richard Gephardt have introduced the FAIR tax plan (Bradley-Gephardt), Rep. Jack Kemp and Sen. Bob Kasten have introduced the FAST tax plan (Kemp-Kasten), and the U.S. Treasury has come up with its own tax proposal.

The following individual tax equity provisions should be included in any reform plan to alleviate current tax inequities and to establish priorities for women in the ongoing tax policy debate.

A. Single heads-of-household zero bracket amount

Under the tax code, a head-of-household is a single person who maintains a home for at least one dependent. These heads-of-household are primarily women with children, many of whom are poor.

Generally, head-of-household units have only one earner. Almost 60% of married couples have two incomes.

In 1983, 36% of all female-headed families, including 54% of black and 53% of Hispanic female-headed families, lived in poverty. In the same year, 7.6% of married couple families were in poverty.

Currently, single heads-of-household have the same "zero bracket amount" (ZBA) or standard deduction as single taxpayers with no dependents (\$2,390). Married couples

filing jointly receive a ZBA of \$3,540. The principle of the ZBA in the tax structure is to provide a minimum amount of tax-free income for basic living expenses. This concept is especially important to low-income families who generally do not itemize deductions.

In 1983, the median income for female-headed households was \$11,789, and for married couples it was \$27,286.

In 1984, a single-parent family of four at the poverty level paid \$135 more in federal taxes than a two-parent family of four at the poverty level.

H.R. — (Rep. Barbara Kennelly) would raise the ZBA for single heads-of-household to that of married couples filing jointly.

The Treasury plan partially recognizes the inequity of the tax burden on heads-of-household. It sets the ZBA for heads-of-household at \$3,500 compared to \$2,800 for single returns and \$3,800 for joint returns.

The Bradley-Gephardt and Kemp-Kasten proposals maintain the two-tier system: Bradley-Gephardt increases the ZBA to \$3,000 and \$6,000 for single and joint returns; Kemp-Kasten sets the ZBA at \$2,700 and \$3,500, respectively.

B. Earned income tax credit

The Earned Income Tax Credit (EITC) is a refundable tax credit that was enacted in 1975 exclusively for low-income workers with children.

The purpose of the EITC is to provide an incentive for low-income families to work rather than to receive public assistance and to offset the Social Security taxes paid by low-income earners. The enactment of the EITC brought the income tax threshold above the poverty line ensuring that most poor working families would pay little or no federal income tax. But despite its original intent, the small increases in 1979 and 1984 have failed to keep working poor families above the poverty threshold.

A two-parent family of four with earned income at the poverty line pays approximately 10% of its income in federal taxes.

A single head-of-household family of four at the poverty line pays approximately 12% of its income in federal taxes.

The EITC is a credit against the tax liability of families earning \$11,000 per year or less, and it is refundable for a family whose credit exceeds its liability. In this way, the EITC resembles a negative income tax.

The EITC is available on a sliding scale basis. The maximum credit available is \$550 to those families with earnings between \$5,000 and \$6,500 and is phased out between \$6,500 and \$11,000 of earned income.

H.R. — (Rep. Charles Rangel) would index the EITC and increase it from 11% to 16% of the first \$5,000 of earned income. It would phase out the maximum credit of \$800 between \$11,000 and \$16,000 of earnings at a 16% rate.

The Bradley-Gephardt proposal maintains the current EITC; the Treasury proposal indexes it; the Kemp-Kasten plans indexes and reduces the tax credit. All three proposals raise the tax threshold through other mechanisms.

C. Dependent care tax credit

Women are in the work force because of economic necessity. Almost 54% of adult women were working or looking for work in 1984 and 40% of working women have children. Access to affordable dependent care is crucial in ensuring that women have the same ability as men to enter and continue in the job market. Dependent care is costly and a range of prices is not available.

In 1981, Congress enacted a sliding scale dependent care tax credit (DCTC) to replace the previous flat rate of 20%. The maximum DCTC is 30% of dependent care

expenses up to \$2,400 for one dependent and \$4,800 for two or more and is available to taxpayers with adjusted gross income under \$10,000, phased down to 20% for taxpayers earning \$28,000 or more.

The dependent care tax credit currently represents the largest federal expenditure for dependent care. Over four million families used the tax credit, but only 7% of these claims are made by families with an income of less than \$10,000. Presently, the tax credit is not refundable; it is only available to offset tax liability.

H.R. — (Rep. Olympia Snowe) would expand and index the dependent care tax credit. It would expand the current sliding scale to 50% for those earning \$10,000 or less, decreasing to 20% for those earning \$40,000 or more. It would index the income thresholds and make the credit refundable for low-income families who owe no income tax.

Rep. Snowe's bill would also provide a tax credit for respite care of disabled children and adult dependents who are physically or mentally unable to care for themselves. This credit would be available for the applicable percentage of up to \$1,200 in respite care expenses.

The dependent care tax credit is converted to a deduction by the Treasury and Bradley-Gephardt proposals. The Kemp-Kasten plan eliminates the credit altogether.

D. Spousal individual retirement accounts

Under current law a taxpayer may set up an Individual Retirement Account (IRA) and contribute up to \$2,000 a year or 100% of earned income, whichever is less, and deduct this amount from taxable income. If an employee sets up separate IRAs for himself and his homemaker wife, he is allowed to contribute up to \$2,250, but no more than \$2,000 may be contributed to one account.

This policy fails to recognize the economic contribution of homemakers to their households and does not provide an equal opportunity for retirement savings to couples with a nonworking spouse.

H.R. 797 (Rep. Marcy Kaptur) would gradually increase the allowable IRA contribution for a nonworking spouse based on the working spouse's income. The allowable contribution for a joint return with a nonworking spouse would be increased from the current \$2,250 to \$2,750 for FY 86 and 87, \$3,250 for FY 88 and 89, \$3,750 for FY 90 and 91, and \$4,000 thereafter.

Under the Treasury proposal, the IRA deduction is raised to \$2,500 and extended to nonworking spouses. The Bradley-Gephardt and Kemp-Kasten proposals retain the current policy regarding IRAs.

E. Nondiscrimination in business expense deduction

There are private clubs in this country that have discriminatory policies in terms of restricting membership and use of facilities on the basis of race, color, religion, national origin, or sex. Members of these clubs often take business expense tax deductions for dues or expenses incurred at these clubs. In short, this leads to a government subsidy of discrimination.

H.R. 876 (Rep. Sam Gejdenson) would disallow the business deduction for entertainment and travel-related lodging when such activity takes place in a private club that discriminates on the basis of race, color, religion, national origin, or sex.

H.R. 876 in no way prohibits anyone from joining the club of his or her choice. It simply puts an end to the practice of conducting tax-deductible business in a discriminatory establishment. To the extent that these are business clubs, they should not be allowed to discriminate; to the extent

H 4014

CONGRESSIONAL RECORD — HOUSE

June 6, 1985

that they are social clubs, expenses incurred therein should not be tax deductible.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DINGELL (at the request of Mr. WRIGHT), for today, on account of medical reasons.

Mr. HUTTO (at the request of Mr. WRIGHT), after 12 noon today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLAZ) to revise and extend their remarks and include extraneous material:)

Mr. GREEN, for 10 minutes, today.
Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. DERRICK, for 5 minutes, today.
Mr. SPRATT, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COYNE, for 5 minutes, today.
Mr. BUSTAMANTE, for 5 minutes, today.

(The following Member (at the request of Mr. GINGRICH) to revise and extend her remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GREEN, immediately after the remarks of the gentleman from Massachusetts (Mr. BOLAND), on H.R. 2577, in the Committee of the Whole, today.

Mr. MILLER of Ohio, following the remarks of Mr. MYERS of Indiana on H.R. 2577, supplemental appropriations bill, 1985, in the Committee of the Whole today.

Mr. DAUB, and to include extraneous material during consideration of H.R. 2577 in the Committee of the Whole today.

(The following Members (at the request of Mr. BLAZ) and to include extraneous matter:)

Mr. COURTER.
Mr. WHITEHURST.
Mr. LEWIS of Florida.
Mr. CAMPBELL in two instances.
Mr. GEKAS.
Mr. RITTER.
Mr. JEFFORDS in two instances.
Mr. GUNDERSON in two instances.
Mr. BROOMFIELD.
Mr. HARTNETT.
Mr. CRANE.
Mr. GREEN.
Mr. SOLOMON.

Mr. THOMAS of California.

Mr. MCKERNAN.

Ms. SNOWE.

Mr. KEMP.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. BONIOR of Michigan.

Mr. MONTGOMERY.

Mr. UDALL.

Mr. SABO.

Mr. ST GERMAIN.

Mr. FLORIO.

Mr. ACKERMAN.

Mr. GUARINI.

Mr. BARNES in two instances.

Mr. LELAND.

Mr. MRAZEK.

Mr. DINGELL.

Mr. RANGEL in three instances.

Mr. FRANK.

Mrs. BURTON of California.

Mr. SCHUMER.

Mr. TALLON.

Mr. LEVINE of California.

Mr. CHAPPELL.

Mr. TORRES.

Mr. WYDEN.

Mr. RAHALL.

Mr. LUNDINE.

Mrs. LONG.

Mr. WEISS in two instances.

Mr. WOLPE.

Mr. STARK in two instances.

Mr. TORRICELLI.

Mr. FORD of Tennessee, in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1195. An act to require that a portion of the mail of Congress and the executive branch include a photograph and biography of a missing child; referred to Committee on House Administration and Post Office and Civil Service.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 93. Joint resolution to designate the month of May 1985 as "Better Hearing and Speech Month."

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 873. An act to amend title 5, United States Code, to provide that employee organizations which are not eligible to participate in the Federal employees health benefits program solely because of the requirement that applications for approval be filed before January 1, 1980, may apply to become so eligible, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p.m.) the House adjourned until Monday, June 10, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1419. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-28, "Georgetown University Revenue Bond Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1420. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-25, "Institutional Care Under Contract Amendment Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1421. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-26, "State Revenue Officers Amendment Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1422. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-27, "D.C. Newborn Screening Requirement Act of 1979 Amendments Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1423. A letter from the Secretary of Education, transmitting final training priorities under the Training Program for special programs staff and leadership personnel, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1424. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend authority for the Federal Council on the Aging; to the Committee on Education and Labor.

1425. A letter from the Chairman, National Research Council, transmitting a report entitled: "Transportation Professionals: Future Needs and Opportunities," pursuant to Public Law 97-424, section 135; to the Committee on Public Works and Transportation.

1426. A letter from the Assistant Attorney General, Department of Justice, transmitting a legislative proposal to amend title 18 of the United States Code and other laws to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984; jointly, to the Committees on the Judiciary, Ways and Means, Energy and Commerce, and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 4015

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2385. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such act, and for other purposes; with amendments (Rept. No. 99-162). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSEN: Committee on Rules. House Resolution 191. Resolution providing for the consideration of H.R. 1452, a bill to amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance, and for other purposes (Rept. No. 99-163). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 192. Resolution providing for the consideration of H.R. 1787, a bill to amend the Export-Import Bank Act of 1945 (Rept. No. 99-164). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FOLEY:

H.R. 2683. A bill to amend the Securities and Exchange Act of 1934 to exempt certain eligible broker-dealers from self-underwriting regulations; to the Committee on Energy and Commerce.

By Mr. FISH:

H.R. 2684. A bill to clarify the application of the Clayton Act with respect to rates, charges, or premiums filed with State insurance departments or agencies; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 2685. A bill to amend title V of the Social Security Act to require States to provide women during and after pregnancy with access to their medical records and current information on obstetrical procedures and to amend the Federal Food, Drug, and Cosmetic Act to require the dissemination of information on the effects and risks of drugs and devices on the health of pregnant and parturient women and of prospective and developing children; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. BOXER (for herself, Mr. FAUNTROY, Ms. MIKULSKI, Mr. KOLTER, Mr. RICHARDSON, Mr. TRAFICANT, and Mr. MITCHELL):

H.R. 2686. A bill entitled "The Drunk Driving Prevention Act of 1985"; to the Committee on the Judiciary.

By Mr. BRUCE (for himself, Mr. BIAGGI, Mr. DYMALLY, Mr. HAYES, Mr. OWENS, Mr. PERKINS, and Mr. GOODLING):

H.R. 2687. A bill to amend the Higher Education Act of 1965 to reduce the default rate on student loans, and for other purposes; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 2688. A bill to amend section 2(11) of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. COLEMAN of Texas:

H.R. 2689. A bill to clarify and augment certain provisions of the Motor Carrier Safety Act of 1984 regarding the certificate of registration procedures for foreign carriers; to the Committee on Public Works and Transportation.

By Mr. GINGRICH (for himself and Mr. MacKAY):

H.R. 2690. A bill entitled: "The Critical Trends Assessment Act"; jointly, to the

Committees on Government Operations and Rules.

By Mr. GREEN (for himself, Mr. FAZIO, Mr. ACKERMAN, Mr. AUCOIN, Mr. BATES, Mr. BERMAN, Mr. BEILENSEN, Mrs. BOXER, Mrs. BURTON of California, Mrs. COLLINS, Mr. CROCKETT, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. EDWARDS of California, Mr. HAYES, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MCKERNAN, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Ms. MIKULSKI, Mr. MILLER of California, Mr. MINETA, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. RANGEL, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. TOWNS, Mr. UDALL, Mr. WAXMAN, Mr. WEAVER, Mr. WHEAT, Mr. YATES, Mr. TORRICELLI, Mr. FRANK, Mr. WILLIAMS, Mr. WIRTH, Mr. WEISS, Mr. KASTENMEIER, Mr. CONYERS, Mr. GARCIA, Mr. FORD of Tennessee, Mr. KOSTMAYER, Mr. EDGAR, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. WOLPE, Mr. BOSCO, Mr. CLAY, Mr. GILMAN, Mr. MCKINNEY, Mr. GEJDENSON, Mr. WYDEN, Mr. LEVIN of Michigan, Mr. MITCHELL, Mr. ROYBAL, Mr. TORRES, Mrs. ROUKEMA and Mr. HAWKINS):

H.R. 2691. A bill to amend various provisions of law to ensure that services related to abortion are made available in the same manner as are all other pregnancy-related services under federally funded programs; jointly, to the Committees on Energy and Commerce, Post Office and Civil Service, Armed Services, Interior and Insular Affairs, Foreign Affairs, and the District of Columbia.

By Mr. JEFFORDS (for himself and Mr. CLAY):

H.R. 2692. A bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to permit certain loans from employee benefit plans to owner-employees and shareholder-employees; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. ROE:

H.R. 2693. A bill to provide the temporary suspension of the duty on mixtures of 1,2-dimethyl 1-3,5-diphenylpyrazolium methyl sulfate (difenzoquat methyl sulfate); to the Committee on Ways and Means.

By Mr. ROTH (for himself, Mr. PETRI, Mr. SENSENBRENNER, Mr. GUNDERSON, Mr. KASTENMEIER, Mr. KLECZKA, Mr. OBEY, and Mr. ASPIN):

H.R. 2694. A bill designating the U.S. Post Office Building located at 300 Packerland Drive, Green Bay, WI, as the "John W. Byrnes Post Office and Federal Building; to the Committee on Post Office and Civil Service.

By Mr. SABO:

H.R. 2695. A bill to provide Federal assistance to States to establish a program for coverage of catastrophic health care expenses; to the Committee on Energy and Commerce.

H.R. 2696. A bill to provide for certification and require the offering of qualified health plans, to provide Federal assistance to States to establish a program of assistance for low-income persons to purchase comprehensive health insurance and a program for coverage of catastrophic health care expenses; and for other purposes; to the Committee on Energy and Commerce.

By Mr. SKELTON:

H.R. 2697. A bill to amend section 794 of title 18, United States Code, to provide more severe penalties for certain forms of espionage; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 2698. A bill to designate the U.S. Courthouse in Tucson, AZ, as the "James A. Walsh United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. WAXMAN:

H.R. 2699. A bill to amend title XVIII of the Social Security Act with respect to payment for direct and indirect medical education costs under the Medicare Program and to amend title XIX of the Social Security Act with respect to payment for direct medical education costs under the Medicaid Program; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ROYBAL:

H.R. 2700. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to require pension plans to allow participation by employees nearing normal retirement age and to allow benefit accrual by participants to continue past normal retirement age; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. ROYBAL (for himself, Mr. SKELTON, Mrs. COLLINS, Mr. BIAGGI, Mr. MITCHELL, Mr. ST GERMAIN, Mrs. SCHROEDER, Mr. STOKES, Mr. VENTO, Mr. MacKAY, Ms. OAKAR, Mr. PEPPER, Mr. CROCKETT, Mr. FORD of Tennessee, Mr. DYMALLY, and Mr. TOWNS):

H.R. 2701. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to provide for additional and more effective controls on terminations of single-employer plans and reversions to employers resulting from such terminations; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. WIRTH (for himself, Mr. CHENEY, Mr. KRAMER, Mr. LUJAN, Mr. NIELSON of Utah, Mr. REID, Mr. RICHARDSON, Mr. SCHAEFER, Mrs. SCHROEDER, Mr. SKEEN, Mr. STRANG, and Mrs. VUCANOVICH):

H.R. 2702. A bill to grant the consent of the Congress to the Rocky Mountain Low-Level Radioactive Waste Compact; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. WYDEN (for himself, Mr. FLORIO, Mr. BRYANT, and Mr. FORD of Tennessee):

H.R. 2703. A bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of respiratory care services for ventilator-dependent individuals under Medicare and Medicaid; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BROOKS:

H.J. Res. 308. Joint resolution designating the week beginning on October 20, 1985, as "Benign Essential Blepharospasm Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. TORRICELLI:

H.J. Res. 309. Joint resolution to designate September 1985 as "National Supermarket Child Safety Month"; to the Committee on Post Office and Civil Service.

By Mr. FAUNTROY:

H. Con. Res. 161. Concurrent resolution relating to drug trafficking in the Washington metropolitan area; jointly, to the Committees on the District of Columbia and the Judiciary.

By Ms. MIKULSKI:

H. Con. Res. 162. Concurrent resolution to establish a congressional commission to examine the extent to which existing Federal laws protect the interests of fans of professional football and to recommend legislation

to provide additional protections, and to express the sense of the Congress that no professional football franchise should relocate during the existence of the commission; jointly, to the Committees on the Judiciary, Energy and Commerce, and House Administration.

By Mr. TORRICELLI:

H. Con. Res. 163. Concurrent resolution expressing the sense of Congress with respect to the volunteer activities of the Friends of Lubavitch organization; to the Committee on Post Office and Civil Service.

By Mr. THOMAS of California (for himself, Mr. CHAPPIE, Mr. MOORHEAD, and Mr. LEWIS of California):

H. Res. 193. Resolution relating to the continued participation of the United States in the General Agreements on Tariffs and Trade; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. McCOLLUM, Mr. TOWNS, and Mr. BUSTAMANTE.

H.R. 64: Mr. DEWINE, Ms. KAPTUR, and Mr. SMITH of New Jersey.

H.R. 66: Mr. BORSKI, Mr. BARNES, Mr. BROWN of California, Mr. CHAPPIE, Mr. ADDABBO, Mr. BEVILL, and Mr. BUSTAMANTE.

H.R. 67: Mr. BORSKI, Mr. BARNES, Mr. BROWN of California, Mr. CHAPPIE, Mr. ADDABBO, Mr. BEVILL, and Mr. BUSTAMANTE.

H.R. 229: Mr. LEHMAN of Florida and Mr. LUNDINE.

H.R. 237: Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. GRAY of Illinois, Mr. GROTEBERG, Mr. HARTNETT, Mr. HILLIS, Mr. LUJAN, Mr. SABO, Mr. SNYDER, Mr. SPENCE, Mr. STANGELAND, Mr. WEBER, Mr. WISE, and Mr. YATES.

H.R. 281: Mr. WEAVER.

H.R. 343: Mr. PARRIS.

H.R. 582: Mr. MOLLOHAN.

H.R. 602: Mr. DORNAN of California, Mr. EDWARDS of Oklahoma, Mr. NEAL, and Mr. COMBEST.

H.R. 650: Mr. SAVAGE and Mr. HAYES.

H.R. 700: Mr. DOWDY of Mississippi, Mrs. LONG, Mr. McCLOSKEY, Mr. PENNY, and Mr. SMITH of Iowa.

H.R. 747: Mr. PERKINS.

H.R. 770: Mr. FAUNTROY.

H.R. 822: Mr. PURSELL, Mr. COYNE, Mr. LUKE, and Mr. TORRICELLI.

H.R. 945: Mr. LEWIS of California, Mr. MORRISON of Washington, Mr. EDWARDS of Oklahoma, Mr. DELAY, Mr. BREAUX, Mr. JONES of North Carolina, Mr. KINDNESS, Mr. RITTER, Mr. KEMP, Mr. SCHAEFER, Mr. HARTNETT, Mr. SPENCE, Mr. DICKINSON, and Mr. RALPH M. HALL.

H.R. 1002: Mr. BONER of Tennessee.

H.R. 1021: Mr. REID, Mr. STANGELAND, Mr. NIELSON of Utah, Mr. FRANK, Mr. CHANDLER, Mr. CLINGER, Mr. ORTIZ, and Mr. LOWERY of California.

H.R. 1047: Mr. STRANG, Mr. BORSKI, Mr. MATSUI, Mr. MARTINEZ, Mr. CROCKETT, Mr. FRENZEL, Mr. BARNARD, Mr. WEAVER, Mr. DERRICK, Mr. FISH, Ms. KAPTUR, Mr. KOLTER, Mr. WEBER, Mr. SABO, Mr. OBERSTAR, Mr. WORTLEY, Mrs. JOHNSON, Mrs. BOGGS, Mr. BIAGGI, Mrs. KENNELLY, Mr. WEISS, Mr. WYLIE, and Mr. MARTIN of New York.

H.R. 1123: Mr. DORGAN of North Dakota and Mr. SHUMWAY.

H.R. 1146: Mr. MATSUI and Mr. SABO.

H.R. 1180: Mr. PACKARD.

H.R. 1201: Mr. MILLER of California, Mr. RIDGE, Mr. GEJDENSON, Mr. VENTO, Mrs. COLLINS, Mr. FORD of Tennessee, Mr. STOKES, Mr. TOWNS, Mr. KOLTER, Mr.

WHEAT, Mr. RUSSO, Mr. SMITH of Florida, and Mr. MORRISON of Connecticut.

H.R. 1267: Mr. JONES of Tennessee, Mr. RAY, Mr. SWINDALL, Mr. NICHOLS, and Mr. JENKINS.

H.R. 1294: Mr. HOYER.

H.R. 1295: Mr. JEFFORDS, Mr. ST GERMAIN, Mr. TORRES, and Mr. MORRISON of Connecticut.

H.R. 1326: Ms. KAPTUR, Mr. BEILSON, Mr. HEFTL of Hawaii, Mr. SCHUMER, Mr. MITCHELL, Mr. ROSE, Mr. FROST, Mr. SHELBY, Mr. BARNES, Mr. BEVILL, Mr. KOLTER, Mrs. BOXER, and Mr. MORRISON of Connecticut.

H.R. 1327: Mr. SPRATT, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. JEFFORDS, Mr. MORRISON of Washington, and Mr. GUARINI.

H.R. 1395: Mr. COBEY.

H.R. 1441: Mr. ALEXANDER.

H.R. 1457: Mr. CLINGER and Mr. McCOLLUM.

H.R. 1550: Mr. DARDEN, Mr. PERKINS, and Mr. STENHOLM.

H.R. 1594: Mr. SCHEUER and Mr. MARKEY.

H.R. 1677: Mr. COURTER.

H.R. 1690: Mr. TRAFICANT, Mr. LEVINE of California, Mr. MOODY, Mr. DURBIN, Mr. COURTER, and Mr. LUNGREN.

H.R. 1802: Mr. MURPHY, Mr. COELHO, and Mr. RAHALL.

H.R. 1835: Mr. CLINGER, Mr. WALGREN, Mr. VALENTINE, Mr. MURTHA, Mr. PERKINS, Mr. SKELTON, Mr. YATRON, Mr. GROTEBERG, Mr. YOUNG of Florida, and Mr. HOWARD.

H.R. 1844: Mr. CROCKETT and Mr. FAUNTROY.

H.R. 1877: Mr. WHITEHURST, Mr. GEJDENSON, Mr. TORRICELLI, and Mr. MOAKLEY.

H.R. 1884: Mr. NICHOLS, Mrs. SMITH of Nebraska, Mr. THOMAS of Georgia, Mr. DURBIN, Mr. LEACH of Iowa, Mr. OLIN, Mr. BEREUTER, Mr. WHITLEY, Mr. ROBERTS, Mr. DONNELLY, Mr. FRANKLIN, Mr. BRUCE, Mr. HEFNER, and Mr. FLORIO.

H.R. 1951: Mr. FASCELL, Mr. IRELAND, Mr. LEWIS of Florida, Mr. MACKEY, and Mr. LEHMAN of Florida.

H.R. 1959: Mr. BOEHLERT, Mrs. COLLINS, Mr. WAXMAN and Mr. COELHO.

H.R. 1973: Mr. ROE, Mr. MCDADE, Mr. MITCHELL, Mr. FUSTER, Mr. ROBINSON, and Mr. MARKEY.

H.R. 1980: Mr. SCHUMER and Mr. VENTO.

H.R. 2080: Mr. AU COIN, Mr. BARNARD, Mrs. BENTLEY, Mr. BOEHLERT, Mr. BRUCE, Mr. CARR, Mr. CROCKETT, Mr. DOWNEY of New York, Mr. FAZIO, Mr. FEIGHAN, Mr. GARCIA, Mr. LUKE, Mr. MADIGAN, Mr. MATSUI, Mr. RAHALL, Mr. ROWLAND of Connecticut, Mr. STOKES and Mr. WILLIAMS.

H.R. 2262: Mr. TALLON and Mr. SYNAR.

H.R. 2325: Mr. CRAIG and Mr. MARLENEE.

H.R. 2382: Mr. BEDELL and Mr. DEWINE.

H.R. 2397: Mr. SLATTERY.

H.R. 2489: Mr. OWENS and Mr. MURPHY.

H.R. 2588: Mr. GRAY of Pennsylvania, Mr. HUGHES, Mr. YOUNG of Alaska, Mr. DAUB, Mr. MURPHY, Mr. EMERSON, Mr. RAHALL, Mr. LEVIN of Michigan, Mr. SHELBY, Mr. GARCIA, Mr. QUILLLEN, Mr. KOLTER, Mr. DEWINE, Mr. HOYER, Ms. KAPTUR, Mr. SKEEN, Mr. KINDNESS, Mr. GREEN, Mrs. HOLT, Mr. DUNCAN, Mr. DENNY SMITH, Mr. MC EWEN, Mr. KASICH, Mr. ROBERT F. SMITH, Mr. HENDON, Mr. MCCAIN, Mr. BROWN of Colorado, and Mr. BATEMAN.

H.R. 2597: Mr. LENT, Mr. COYNE, Mr. BORSKI, Mr. TOWNS, Mr. DOWNEY of New York, Mr. DELLUMS, Mr. MRAZEK, Mr. KOLTER, Mr. SCHUMER, and Mr. MANTON.

H.R. 2620: Mr. TOWNS, and Mr. GROTEBERG.

H.R. 2626: Mr. OXLEY, Mr. SPENCE, Mrs. HOLT, Mr. HENRY, Mr. SENSENBRENNER, Mr. KINDNESS, Mr. RINALDO, and Mr. MCDADE.

H.J. Res. 72: Mr. LANTOS.

H.J. Res. 141: Mr. SHAW, Mr. PANETTA, Mr. GONZALES, Mr. LIGHTFOOT, Mr. LOTT, Mr. BOEHLERT, and Mr. MONTGOMERY.

H.J. Res. 151: Mr. MORRISON of Washington.

H.J. Res. 156: Mr. RODINO.

H.J. Res. 164: Mr. ADDABBO, Mr. BURTON of California, Mr. BUSTAMANTE, Mr. CHAPPIE, Mr. CONYERS, Mr. DANNEMEYER, Mr. DOWDY of Mississippi, Mr. GILMAN, Mr. GONZALES, Mr. GUARINI, Mr. HAWKINS, Mr. HAYES, Mr. HUNTER, Mrs. KENNELLY, Mr. LENT, Mr. LEVINE of California, Mr. LEWIS of California, Mr. NEAL, Mr. PANETTA, Mr. RINALDO, Mr. SCHEUER, Mr. SILJANDER, Mr. SPRATT, Mr. STARK, and Mr. WHEAT.

H.J. Res. 207: Mr. MURPHY, Mrs. BYRON, Mr. FROST, Mr. SHUMWAY, Mr. FAZIO, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. WORTLEY, Mr. FAUNTROY, Mr. YOUNG of Florida, Mr. HORTON, Mr. FISH, Mr. KOLTER, Ms. MIKULSKI, Mr. REID, Mr. GUARINI, Mr. MORRISON of Washington, Mr. ORTIZ, Mr. FEIGHAN, Mrs. HOLT, and Mr. SAVAGE.

H.J. Res. 227: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. BARNES, Mr. BATEMAN, Mr. BEDELL, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BILIRAKIS, Mr. BONER of Tennessee, Mr. BORSKI, Mrs. BOXER, Mr. BROOMFIELD, Mr. BRYANT, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CARNEY, Mr. CARPER, Mr. CHANDLER, Mr. CHAPPELL, Mr. CHAPPIE, Mr. COATS, Mr. COELHO, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CONTE, Mr. COUGHLIN, Mr. CROCKETT, Mr. DANIEL, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DE LA GARZA, Mr. DEWINE, Mr. DICKINSON, Mr. DIOGUARDI, Mr. DIXON, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EDGAR, Mr. EMERSON, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLIPPO, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK, Mr. FRANKLIN, Mr. FRENZEL, Mr. FROST, Mr. GALLO, Mr. GARCIA, Mr. GEKAS, Mr. GRAY of Illinois, Mr. GREEN, Mr. GUARINI, Mr. RALPH M. HALL, Mr. HAMMERSCHMIDT, Mr. HATCHER, Mr. HAYES, Mr. HEFNER, Mr. HEFTL of Hawaii, Mr. HENRY, Mr. HERTL of Michigan, Mrs. HOLT, Mr. HORTON, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. IRELAND, Mr. JENKINS, Ms. KAPTUR, Mr. KASICH, Mr. KASTENMEIER, Mr. KEMP, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. LOEFFLER, Mr. LUNDINE, Mr. MCDADE, Mr. MCGRATH, Mr. McMILLAN, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MORRISON of Washington, Mr. MURPHY, Mr. NOWAK, Mr. OWENS, Mr. PERKINS, Mr. QUILLLEN, Mr. RANGEL, Mr. REID, Mr. RINALDO, Mr. ROE, Mr. ROEMER, Mr. ROSE, Mrs. ROUKEMA, Mr. ROYBAL, Mr. SABO, Mr. SAVAGE, Mr. SCHEUER, Mr. SHUMWAY, Mr. SHUSTER, Mr. SILJANDER, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SPRATT, Mr. STOKES, Mr. SUNDQUIST, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WIRTH, Mr. WOLF, Mr. WOLPE, Mr. WORTLEY, Mr. YATRON, and Mr. YOUNG of Florida.

H.J. Res. 234: Mr. MATSUI, Mr. FROST, and Mr. BROWN of California.

H.J. Res. 245: Mrs. BENTLEY, Mrs. HOLT, Mr. LANTOS, and Mr. SCHEUER.

H.J. Res. 274: Mr. REID, Mrs. HOLT, Mr. KOLBE, and Mr. BERMAN.

H.J. Res. 277: Mr. JACOBS, Mr. MOODY, Mr. LAGOMARSINO, Mr. STOKES, Mrs. HOLT, Mr. FRENZEL, Mrs. BYRON, Mr. HUGHES, and Mr. DYMALLY.

H.J. Res. 304: Mr. DANIEL and Mr. MC EWEN.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 4017

H. Con. Res. 26: Mr. LANTOS.
 H. Con. Res. 60: Mr. OBERSTAR.
 H. Con. Res. 69: Mr. MOAKLEY.
 H. Con. Res. 99: Ms. MIKULSKI, Mr. LANTOS, Mr. JEFFORDS, Mr. ADDABBO, Mr. DE LA GARZA, and Mr. PASHAYAN.
 H. Con. Res. 117: Mr. LEWIS of California.
 H. Con. Res. 120: Mrs. BOXER and Mr. FRANK.
 H. Con. Res. 127: Mr. ASPIN, Mr. CRAIG, Mr. HILLIS, and Mr. HUTTO.
 H. Con. Res. 129: Mr. BURTON of Indiana, Mr. SUNDQUIST, Mr. DREIER of California, Mr. SMITH of New Hampshire, Mr. HUNTER, Mr. GALLO, Mr. GINGRICH, Mr. LIGHTFOOT, Mr. MURPHY, Mr. BROWN of Colorado, Mr. LIPINSKI, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. APPLEGATE, Mr. PORTER, Mr. MONSON, Mr. JEFFORDS, Mr. CRAIG, Mr. GREGG, Mr. MARLENEE, Mr. FROST, Mr. ROWLAND of Connecticut, Mr. HANSEN, Mr. SAVAGE, Mr. DAUB, Mr. RICHARDSON, and Mr. PARRIS.
 H. Res. 36: Mr. EVANS of Illinois, Mr. SOLARZ, Mr. CONTE, Mr. FEIGHAN, and Mr. HAYES.
 H. Res. 167: Mr. BROOMFIELD, Mr. LOEFELER, Mr. WOLF, Mr. OXLEY, Mr. LAGOMARSINO, Mr. THOMAS of California, Mr. STANGELAND, Mr. PORTER, and Mr. RUDD.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1452

By Mr. SENSENBRENNER:

—Page 13, strike out line 12 and all that follows through line 13 on page 14 and redesignate the succeeding sections accordingly.

Page 2, line 19, insert "and" after the semicolon.

Page 2, strike out lines 20 and 21.

Page 2, line 22, strike out "(3)" and insert in lieu thereof "(2)".

Page 2, line 23, strike out "graphs" and insert in lieu thereof "graph".

Page 2, strike out line 24 and all that follows through line 2 on page 3.

Page 3, line 3, strike out "(5)" and insert in lieu thereof "(4)".

Page 11, line 13, strike out "clauses (i), (ii), and (iii)" and inserting in lieu thereof "subparagraphs (A), (B), and (C)".

Page 11, line 14, strike out "(1)(A)" and insert in lieu thereof "(1)".

Page 11, line 16, strike out "sub-".

Page 11, line 18, strike out "(B)" and insert in lieu thereof "(2)".

Page 11, line 19, strike out "subparagraph (A)" and insert in lieu thereof "paragraph (1)".

Page 12, line 3, strike out "subparagraph" and insert in lieu thereof "paragraph".

Page 12, line 4, strike out "(C)" and insert in lieu thereof "(3)".

Page 12, beginning on line 5, strike out "paragraph" and insert in lieu thereof "subsection".

Page 12, line 21, strike out "(c)(1)(A)(i)" and insert in lieu thereof "(c)(1)(A)".

H.R. 1555

By Mr. RANGEL:

—Page 58, strike out line 17 and all that follows through line 5 on page 59 and insert in lieu thereof the following:

SEC. 504. PARTICIPATION IN FOREIGN POLICE ARREST ACTIONS AND INTERROGATIONS.

Section 481(c) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(c)(1) The Congress finds and declares that—

"(A) United States drug enforcement cooperation in foreign countries is carried out

pursuant to the provisions of the international conventions for the control of narcotics and psychotropic drugs;

"(B) such cooperation involves the exchange of information and intelligence pertaining to the illicit production and manufacture of and traffic in narcotic and psychotropic drugs affecting the United States;

"(C) such cooperation also involves assisting foreign counterparts in the development of investigations into drug trafficking of mutual interest, including participation in the seizure of narcotic and psychotropic drugs and laboratories for their illicit manufacture and the arrest and interrogation of drug violators as joint cooperative activity may require; and

"(D) the extent of this activity in any foreign country is limited to that which is approved by the host country government and the United States Chief of Mission.

"(2) The head of any department or agency of the United States, whose employees are authorized to assist drug enforcement authorities in any foreign country develop investigations related to the illicit production and manufacture of and traffic in narcotic and psychotropic drugs affecting the United States, shall prescribe regulations for the conduct of and the procedures used by such employees in those activities."

—Page 61, strike out line 13 and all that follows through line 20 on page 62 and insert in lieu thereof the following:

SEC. 509. RESTRICTIONS ON ASSISTANCE TO BOLIVIA AND PERU.

(a) FINDINGS.—The Congress finds that—

(1) cocaine has had a severe negative impact on productivity, public health, education, and the quality of life in the United States and on the national security of the United States;

(2) Bolivia is the source of more than 50 percent of the world's cocaine, and Bolivian production of cocaine continues to rise;

(3) 50 percent of the population of Bolivia is under 19 years of age, and cocaine production has had a severe, negative impact on the youth of Bolivia;

(4) the production of, and trafficking in, cocaine by Bolivia has contributed significantly to Bolivia's 1,000 percent rate of inflation;

(5) the failure of the Government of Bolivia to take steps to curb the production of coca in Bolivia during 1984 was cited in the report of the Department of State entitled "International Narcotics Control Strategy Report" as a major disappointment in its review of drug producing countries;

(6) Bolivia received more than \$37,000,000 in United States assistance during fiscal year 1984 and during that fiscal year did not eradicate a single coca bush;

(7) coca leaf produced in Peru is the source of about 45 percent of the cocaine entering the United States;

(8) it is estimated that at least 75 percent of the coca leaf produced in Peru is illegal, and this illicit cultivation continues to expand;

(9) coca leaf, coca paste, and cocaine are used by more than 3.2 million of the 19 million citizens of Peru, undermining the health and welfare of these people;

(10) the uncontrolled production and traffic of coca and cocaine in Peru overwhelms, demoralizes, and corrupts government administrators and institutions, creates political instability, and challenges the ability of the Government of Peru to maintain control over coca-producing areas of the country;

(11) the Government of Peru has failed to develop a comprehensive plan, and has failed to take adequate steps, to prohibit illicit coca production; and

(12) Peru received more than \$76,000,000 in United States assistance in fiscal year

1984 and eradicated only an estimated 5 percent of coca cultivation in Peru.

(b) CONDITIONS ON ASSISTANCE FOR BOLIVIA.—

(1) BILATERAL ASSISTANCE.—Beginning with the fiscal year 1986 and for each fiscal year thereafter, no United States assistance may be provided to Bolivia unless the President certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) the Government of Bolivia has developed and is implementing a plan, in accordance with the Single Convention on Narcotic Drugs, 1961, that will establish its legal coca requirements, license the number of hectares necessary to produce the legal requirements, and eliminate illicit and unlicensed coca production; and

(B) the amount of coca that was produced in Bolivia during the preceding fiscal year is at least 10 percent less than the amount produced in Bolivia during the fiscal year which preceded such preceding fiscal year.

Whenever the President certifies under subparagraph (B) that the amount of coca that is produced in Bolivia is reduced by more than 10 percent from one fiscal year to the next, the amount of any such additional reduction shall be carried over and counted as if it had occurred in the fiscal year following the year in which it actually occurred.

(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, of the International Development Association, of the International Finance Corporation, and of the Inter-American Development Bank to oppose actively the extension by that international financial institution of any loan or the furnishing of any financial assistance or technical assistance to Bolivia during the fiscal year 1986 or any fiscal year thereafter, unless the certification required under paragraph (1) is made for that fiscal year.

(c) CONDITIONS OF ASSISTANCE TO PERU.—

(1) BILATERAL ASSISTANCE.—Beginning with the fiscal year 1986 and for each fiscal year thereafter, no United States assistance may be provided to Peru unless the President certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) the Government of Peru has developed and is implementing a plan, in accordance with the Single Convention on Narcotic Drugs, 1961, that will establish its legal coca requirements, license the number of hectares necessary to produce the legal requirements, and eliminate illicit and unlicensed coca production; and

(B) the amount of coca that was produced in Peru during the preceding fiscal year is at least 10 percent less than the amount produced in Peru during the fiscal year which preceded such preceding fiscal year.

Whenever the President certifies under subparagraph (B) that the amount of coca that is produced in Peru is reduced by more than 10 percent from one fiscal year to the next, the amount of any such additional reduction shall be carried over and counted as if it had occurred in the fiscal year following the year in which it actually occurred.

(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, of the International Development Association, of the International Finance Corporation, and of the Inter-American Development Bank to oppose actively

the extension by that international financial institution of any loan or the furnishing of any financial assistance or technical assistance to Peru during the fiscal year 1986 or any fiscal year thereafter, unless the certification required under paragraph (1) is made for that fiscal year.

(d) **PHARMACEUTICAL USES.**—In carrying out this section, coca produced solely for pharmaceutical purposes shall not be counted in determining amounts of production.

(e) **DEFINITIONS.**—As used in this section—
(1) the term "coca" means the coca bush (which is the plant of any species of the genus *Erythroxylon*) and the coca leaf (which is the leaf of the coca bush); and

(2) the term "United States assistance" has the same meaning as is given that term by section 481(i)(4) of the Foreign Assistance Act of 1961.

On page 63, line 1, insert "the certification required by section 509(c) is made and" after "only if".

H.R. 1872

By Mr. BLAZ:

—At the end of title VI (page 142, after line 2) add the following new section:

SEC. 686. REPEAL OF LIMITATION ON TRANSPORTATION OF CERTAIN MOTOR VEHICLES THROUGH GUAM.

Section 652 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2550), is repealed.

By Mr. FOGLIETTA:

—At the end of title II (page 29, after line 14) add the following new section:

SEC. 207. LIMITATION ON STRATEGIC DEFENSE INITIATIVE PROGRAMS.

None of the funds appropriated pursuant to authorizations of appropriations in this title for Strategic Defense Initiative programs may be used for development, demonstration, test, or evaluation of the use of weapons powered by nuclear explosions in space.

By Mr. GREEN:

—At the end of title I (page 22, after line 23) add the following new section:

SEC. 111. TEN-PERCENT REDUCTION IN PROCUREMENT ACCOUNTS.

The total amount obligated or expended from funds appropriated pursuant to the authorizations of appropriations in this title may not exceed 90 percent of the amount equal to the sum of the amounts authorized to be appropriated in this title.

By Mr. NICHOLS:

—Page 143, after line 19, add the following new section:

SEC. 802. ALLOWABLE COSTS.

(a) **REGULATION OF ALLOWABLE COSTS PAYABLE TO DEFENSE CONTRACTORS.**—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2324. Allowable costs under defense contracts

"(a)(1) The Secretary of Defense shall require that a covered contract provide that if the contractor submits to the Department of Defense a proposal for settlement of indirect costs incurred by the contractor for any period after such costs have been accrued and if that proposal includes the submission of an indirect cost that has been expressly specified by statute or regulation as being unallowable—

"(A) that cost shall be disallowed; and

"(B) the contractor shall pay to the United States an amount equal to the greater of \$10,000 or—

"(i) the amount of the disallowed cost, plus interest; or

"(ii) if the cost is of a type that has been finally determined, before the submission of such proposal, to be expressly unallowable

to that contractor, an amount equal to twice the amount of the disallowed cost, plus interest.

"(2) An action by the Secretary under a contract provision required by paragraph (1) to disallow a cost and to require payment of a contractor—

"(A) shall be considered to be a final decision for purposes of section 6 of the Contracts Dispute Act of 1978 (41 U.S.C. 605); and

"(B) shall be appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

"(3) Interest under paragraph (1) shall be computed—

"(A) from the date on which the cost is questioned; and

"(B) at the applicable rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954.

"(b) The following costs are not allowable under a covered contract:

"(1) Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(2) Costs incurred to influence (directly or indirectly) congressional action on any legislation or appropriation matters pending before Congress.

"(3) Costs incurred in defense of any fraud proceeding brought by the United States where the contractor is found liable for fraud or has pleaded nolo contendere to a charge of fraud.

"(4) Fines and penalties resulting from violations of, or failure to comply with, Federal, State, or local laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer.

"(5) Costs of membership in any social, dining, or country club or organization.

"(6) Costs of alcoholic beverages.

"(7) Contributions or donations, regardless of the recipients.

"(8) Costs of advertising designed to promote the contractor or its products.

"(9) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

"(10) Except as provided in subsection (c), costs for travel by aircraft to the extent that such costs exceed the amount of the standard commercial fare for travel by common carrier between the points involved.

"(c)(1) Subsection (b)(10) does not apply if travel by common carrier at standard fare—

"(A) would require travel at unreasonable hours;

"(B) would excessively prolong travel;

"(C) would result in overall increased costs that would offset potential savings from travel at standard commercial fare; or

"(D) would not meet physical or medical needs of the person traveling.

"(2) Subsection (b)(10) does not apply to travel by aircraft other than a common carrier if—

"(A) travel by such aircraft is specifically required for contract performance or is otherwise specifically authorized under the contract;

"(B) travel by common carrier is impractical; and

"(C) the travel performed is for business purposes and requires the use of such aircraft.

"(3) Costs for air travel in excess of that allowed by subsection (b)(10) may only be allowed by reason of one of the exceptions contained in paragraph (1) or by reason of paragraph (2) if the exception is fully docu-

mented and justified, including, in the case of an exception under paragraph (2), full documentation of the use of the aircraft for business purposes.

"(d)(1) The Secretary of Defense shall prescribe regulations to establish criteria for the allowability of indirect contractor costs under Department of Defense contracts. Such regulations shall be prescribed as part of the Department of Defense supplement to the Federal Acquisition Regulation. In developing specific criteria for the allowability of such costs, the Secretary shall consider whether reimbursement of such costs by the United States is in the best interest of the United States. Such regulations—

"(A) shall define in detail and in specific terms those costs that are unallowable under contracts entered into by the Department of Defense; and

"(B) shall provide that specific costs unallowable under one cost principle shall not be allowable under any other cost principle.

"(2) The regulations under paragraph (1) shall, at a minimum, clarify the cost principles applicable to contractor costs of the following:

"(A) Air shows.

"(B) Advertising.

"(C) Recruitment.

"(D) Employee morale and welfare.

"(E) Contributions of donations.

"(F) Community relations.

"(G) Dining facilities.

"(H) Professional and consulting services.

"(I) Compensation.

"(J) Selling and marketing.

"(K) Travel.

"(L) Public relations.

"(M) Hotel and meal expenses.

"(N) Membership in civic, community, and professional organizations.

"(3) Such regulations shall specify the circumstances under which clauses (A) and (B) of subsection (c)(1) may be applied.

"(4) Such regulations shall require that a contractor be required to provide current, accurate, and complete documentation to support the allowability of an indirect cost at the time a proposal for final settlement of indirect costs is submitted to the United States. If such documentation is not sufficient to support the allowability of the cost, the cost becomes expressly unallowable and is not subject to negotiation.

"(e)(1) The Secretary of Defense shall require the resolution of each cost which is challenged by the United States as being unallowable in the contractor's submission for final overhead settlement applied to covered contracts unless—

"(A) the contractor and the contracting officer cannot agree on the allowability of the cost under existing cost principles;

"(B) the contracting officer documents the reasons why an agreement cannot be reached; and

"(C) the contractor agrees that costs of that type will not be submitted to the Department of Defense for payment as an allowable indirect cost to the future.

"(2) The Secretary of Defense shall provide that, whenever feasible and practicable, the defense contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor.

"(f)(1) A contractor that submits a proposal for final settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs included in the proposal are allowable. Any such certification shall be in a form prescribed by the Secretary of Defense.

June 6, 1985

CONGRESSIONAL RECORD — HOUSE

H 4019

"(2) The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the requirement for certification under paragraph (1) in the case of any contract if the Secretary—

"(A) determines that it would not be in the interest of the United States to require such certification; and

"(B) states in writing the reasons for that determination.

"(g) The Secretary of Defense shall provide that, in establishing the interim or provisional rates for payment of indirect costs to a defense contractor for which final settlement will be made at a later time, such rates shall be based upon amounts incurred by such contractor for indirect costs less any amount questioned by the agency with responsibility for audits of defense contracts.

"(h) In this section, 'covered contract' means a contract entered into by the Department of Defense for an amount more than \$25,000—

"(1) that is flexibly priced; or

"(2) for which cost or pricing data is required under section 2306(f) of this title."

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2324. Allowable costs under defense contracts."

(b) REGULATIONS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe the regulations required by subsection (d) of section 2423 of title 10, United States Code, as added by subsection (a). Such regulations shall be published in accordance with section 22 of the Office of Federal Procurement Act (41 U.S.C. 418b).

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of proposed regulations to be prescribed in accordance with paragraph (1); and

(B) a report identifying—

- (i) the nature of the proposed changes that would be made by such proposed regulations to the current cost principles on the allowability of contractor costs; and
- (ii) the potential effect of such changes on the allowability of contractor costs.

(c) EFFECTIVE DATE.—Section 2324 of title 10, United States Code, as added by subsection (a), shall apply only to contracts entered into on or after the date on which regulations are prescribed in accordance with subsection (b).

SEC. 3. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The Authority of the Secretary of Defense under this subsection may only be delegated—

"(A) to an officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate; or

"(B) to the director of the defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts."

SEC. 4. LIMITATION ON ASSIGNMENTS OF PRINCIPAL CONTRACTING OFFICERS.

(a) LIMIT ON TOURS OF DUTY AND REASSIGNMENTS.—The Secretary of Defense shall prescribe regulations—

(1) to limit to five years the maximum tour of duty for which an officer or employee under the jurisdiction of the Secretary may be assigned to represent the Department of Defense with a particular contractor as a principal contracting officer; and

(2) to provide that an officer or employee who has held a position as principal contracting officer with a contractor may not be reassigned to duty with that contractor for a period of five years after the end of the previous such assignment.

(b) WAIVER AUTHORITY.—The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the limitation in subsection (a) in the case of any officer or employee if the Secretary—

(1) determines that it would not be in the interest of the United States to apply such limitation in that case; and

(2) states in writing the reasons for that determination.

(c) DEFINITION.—For purposes of this section, the term "principal contracting officer" means—

(1) a principal corporate administrative contracting officer or deputy principal corporate administrative contracting officer; and

(2) a principal administrative contracting officer or deputy principal administrative contracting officer.

By Mr. REGULA:

—Page 172, after line 20, insert the following new section:

SEC. 1016. ESTABLISHMENT OF DEFENSE HEALTH AGENCY.

(a) IN GENERAL.—(1) Chapter 8 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 193. Defense Health Agency

"(a) There is in the Department of Defense a Defense Health Agency. The medical health-care systems of the Army, Navy, Marine Corps, and Air Force, and the facilities and resources thereof, shall be administered in policy and operation solely by the Defense Health Agency.

"(b) The Office of the Assistant Secretary of Defense of Health Affairs shall organize, in conjunction with the Army, Navy, Marine

Corps, and Air Force, the Defense Health Agency.

"(c) The Defense Health Agency shall function under the direction and control of the Assistant Secretary of Defense for Health Affairs. The Agency shall have sole authority and discretion over policy and operation of the medical health-care systems of the armed forces of the United States.

"(d) For the purposes of this section the Defense Health Agency shall be comprised of two offices, designated as the Office of Policy and Operation and the Defense Readiness Office. These Offices are authorized, and subject to, the individual responsibilities, powers, and limitations as set forth in this subsection. The Defense Health Agency shall proscribe and oversee the proper conduct of all functions delegated to the respective offices:

"(1) The Office of Policy and Operation shall be administered by the Assistant Secretary of Health Affairs. Said office shall administer the operation and policy of the health care delivery system; oversee and prescribe management information systems and perform statistical studies; control and allocate resources including the functions of accounting, budgeting, and cost containment; and administer research and development.

"(2) The Office of Defense Readiness shall be jointly administered by the Surgeons General of the Army, Navy, and Air Force. Said Office shall develop, implement, and assess policy regarding the readiness of the combat medical support in the operating and field forces; administer the policy and operation of health care delivery in field facilities in peacetime or war; supervise the training and development of health services personnel; administer service unique operational medical support; and prepare for necessary wartime medical mobilization."

(b) REQUIREMENT OF LICENSURE FOR PHYSICIANS PROVIDING CLINICAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1094. Licensure of physicians providing clinical care

"No individual may act, or be employed, by the United States government, as a physician to provide clinical care unless the individual has received State licensure to practice medicine and said individual has satisfied any education credentials which may be required by the Secretary of the Department of Health and Human Services."

By Mr. SOLOMON:

—No person born after December 31, 1959 who is required to register with Selective Service System and who has not so registered shall be employed in civil service positions in the Federal Government.

—No person born after December 31, 1959 who is required to register with Selective Service System and who has not so registered shall perform service under any contract financed in whole or part by funds appropriated to the Department of Defense.

Senate

THURSDAY, JUNE 6, 1985

(Legislative day of Monday, June 3, 1985)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Reverend C. Mark Corts, pastor, Calvary Baptist Church, Winston-Salem, NC. The Reverend Corts is sponsored by Senator JESSE HELMS.

PRAYER

The Reverend C. Mark Corts, pastor, Calvary Baptist Church, Winston-Salem, NC, offered the following prayer:

Will you join me in prayer?

Almighty God, as we begin this day, we give thanks for the privilege of approaching Thy throne of grace. We acknowledge that Thou art the giver of life and light, the provider of grace and forgiveness through Jesus Christ, the source of counsel that cannot fail, and truth that cannot lie.

We petition Thee to give direction to those among us who are troubled, strength to the weak, mercy to the humble, and to show Thyself faithful to the needy of our land.

Though wearied by our unfulfilled agenda, we are reminded that Thou are patient beyond the time we hoped for, but not beyond the time appointed by Thee.

O God, set Thy name above all names as the standard of righteousness in our land, and set Thy love in our hearts as a reference point in dealing with others.

Save us from the selfishness of special interests and teach us again to place the best for all above the good of some.

God, grant us grace to follow Christ who knew neither impatience of spirit, nor confusion of work, but in the middle of all His labors held constant communion with Thee.

Let Thy divine blessing be "equally conspicuous in the enlarged views, the temperate consultations, and the wise measures, on which the success of this government must depend."

In the name of Jesus Christ, the Savior of the world. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER pro tempore. The acting majority leader is recognized.

Mr. SIMPSON. Mr. President, I yield to the Senator from North Carolina.

THE REVEREND C. MARK CORTS

Mr. HELMS. Mr. President, I thank the able Senator from Wyoming for yielding.

Mr. President, on behalf of Senator EAST and myself, we welcome Dr. Mark Corts, who has just delivered an eloquent and meaningful prayer. I hope Senators who were unable to be here this morning will take the time to read and ponder it.

Mr. President, Mark is a member of what is known in North Carolina as the remarkable Corts family. They are leaders in education, in the ministry, in courage, and in citizenship. We are delighted to have Dr. Corts, and his dear wife, with us today as guest chaplain for the U.S. Senate, and I am grateful to the distinguished Senate chaplain, Dr. Halverson, for arranging this occasion.

Furthermore, Dr. Corts happens to be the pastor of Mrs. Helms and my son and daughter-in-law, who live in Winston-Salem.

Mr. President, I thank the Senator from Wyoming for yielding to me to welcome Dr. Corts and Mrs. Corts to Washington and to the U.S. Senate.

Mr. SIMPSON. I thank the Senator from North Carolina.

SCHEDULE

Mr. SIMPSON. Mr. President, under the standing order, the two leaders will be recognized for 10 minutes each. Following that recognition, there is a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes, following which we shall have routine morning business not to extend beyond the hour of 11 a.m., with statements limited therein to 5 minutes each.

Following morning business, the Senate will turn to the consideration of S. 1003, the State Department authorization bill. We will begin consideration of the 10 Contra amendments as identified in the unanimous-consent agreement of May 23. I shall not recite those. They have time agreements attached.

Votes can be expected throughout this day and this evening in the hope that the Senate can complete its

action on the State Department authorization bill this evening.

Mr. President, I note the presence of the junior Senator from Illinois on the other side of the aisle. It is a pleasure to see him involved in the operations of the Senate at such an early time here. I will say I met the Senator when we served together as State legislators in our respective States of Illinois and Wyoming. I have the greatest regard and respect for him.

Mr. SIMON. Mr. President, if the Senator will yield, I thank the Senator from Wyoming for his generous remarks. It is true, we knew each other when we were first State legislators. That was at least a year or two ago, Mr. President. It is good to work with him.

REQUEST FOR COMMITTEE TO MEET

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, June 6, and Friday, June 7, to mark up S. 616, the farm bill and related issues.

The PRESIDING OFFICER (Mr. HATFIELD). Is there objection?

Mr. SIMON. Mr. President, reserving the right to object.

Mr. President, I have been notified by the staff on this side that the request of the distinguished Senator has not been cleared on this side, so I do object.

Mr. HELMS. Will the Senator yield?

Mr. SIMPSON. I yield.

Mr. HELMS. Mr. President, I understand that on occasion there is justification for objecting to committees sitting during the session of the Senate. I will address my remarks not only to the distinguished Senator from Illinois [Mr. SIMON] but my friend from West Virginia [Mr. BYRD] as well.

This is a time of crisis for the American farmer. The Senate Agriculture Committee desperately needs to report out and make available to the Senate the 1985 farm bill so that it can be considered. On no date since we began to mark up, about 2½ weeks ago, has the committee been permitted to meet beyond the specified 2 hours after the Senate convenes. No such limitation has been placed with such regularity on any other committee. As a result, the Agriculture Committee has been

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

stymied from making any real progress in marking up the farm bill.

Mr. President, I do not understand what is afoot. I do hope that the distinguished minority leader will do his best, as I know he will, to enable the Senate Committee on Agriculture, Nutrition, and Forestry to meet, just as other committees are meeting. It is imperative, Mr. President, that we get about the business of producing a farm bill as we are required to do in this year.

I will not speculate as to motives in slowing down the legislative process with respect to the 1985 farm bill. But I do say it is absolutely essential that we proceed, and we cannot do it if we are repeatedly and constantly denied authority to meet and mark up a farm bill which, incidentally, consists of nearly 300 pages.

Mr. President, I thank the Senator for yielding. I know the distinguished minority leader will do his best to be helpful to the committee and to the farmers of America.

Mr. SIMPSON. Mr. President, I would then ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, June 6, to mark up S. 616, the farm bill, and related issues. The previous consent request was for the two dates. This is for the present date.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. There is objection, Mr. President. The distinguished chairman of the Agriculture Committee, I believe, asked to consult with the distinguished minority leader to get those things worked out. I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. SIMPSON. Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the acting Democratic leader is recognized.

Mr. SIMON. Mr. President, we reserve our time until later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, is the distinguished acting majority leader reserving his time?

The PRESIDING OFFICER. That is correct. The time of the distinguished Democratic leader has been reserved also.

S. 1248—THE NATIONAL COAL IMPORTS REPORTING ACT

Mr. BYRD. Mr. President, today I am introducing the National Coal Imports Reporting Act. My bill directs the Department of Energy to issue

quarterly reports devoted exclusively to U.S. coal imports. The bill would also require the Department of Energy to conduct a comprehensive analysis of the potential domestic market for imported coal between now and the year 2000. The findings of that analysis are to be submitted to the Congress within 6 months.

Mr. President, I have expressed my concerns about the problem of U.S. coal imports previously on the floor of the Senate. In my examination of the issue, I have found a lack of pertinent information about potential U.S. markets for foreign coal imports, and the economic and employment impacts of imports on coal-producing regions of the Nation. Senator WARNER, the distinguished chairman of the Energy Committee's Subcommittee on Natural Resources Development and Production, has held a hearing to examine the issue of coal imports. I have just come from that hearing and I am confident that the testimony received at the hearing, together with my legislation, will produce an initial information base which will be useful for a careful assessment of the economic implications and impacts of coal imports.

I realize that current levels of foreign coal imports, about 1.3 million tons in 1984, although a relatively small amount, are a cause for concern. Coal imports have been higher in past years. In 1978, U.S. coal imports reached 2.8 million tons. Coal imports then continuously declined to a level of 742,000 tons in 1982. However, in 1983 coal imports increased to 1.27 million tons and to 1.29 million tons in 1984. Of the 1.29 million tons of coal imported in 1984, 783,000 tons—60.9 percent—were consumed by utilities and 503,000 tons—39.1 percent—were consumed by industrial users. Utilities importing coal in 1984 included Gulf Power—616,000 tons from South Africa; Tampa Electric—109,000 tons from Poland; New England Electric—40,000 tons from Canada; and Florida Power—17,700 tons from Colombia. The National Coal Association estimates coal imports in 1985 to be about 2 million tons. When compared to total U.S. coal production of 890 million tons and consumption of 791 million tons in 1984, these levels are not alarming. However, my principal concern is not with the current coal import levels. My principal concern is for the future.

The United States represents a large and attractive market to foreign coal producers. Coal producers in Colombia, Canada, Poland, and South Africa are aggressively, and successfully, marketing their coal on the east and gulf coasts of the United States. These markets account for nearly 30 percent of U.S. coal consumption. The east coast market is particularly important to my State of West Virginia. In 1983, that market consumed 17 million tons of West Virginia coal, representing 27 percent of the West Virginia coal con-

sumed in the United States. To the extent that foreign coal imports displace West Virginia coal in this market, West Virginia—where coal industry unemployment at the end of 1984 already was about 33 percent—will suffer.

There are only a few preliminary analyses of the potential impacts of coal imports. Thus, it is difficult to quantify the extent to which foreign coal imports will penetrate domestic coal markets. A recent study by the Department of Commerce concluded that by 1990, total steam coal imports into the United States could reach 17.7 million tons per year with 31 utility plants importing foreign coal. However, the Commerce Department estimate of import levels may be very conservative. There are reasons to believe that the U.S. market potential for foreign coal imports may be significantly greater than the Commerce Department report indicates. While that report assumes that 31 utility plants would import coal by 1990, the report identified 79 utility plants with coal specifications which could be met by foreign coal, and where the delivered price of foreign coal is at least 1 cent per million Btu's lower than the average cost of domestic coal. Moreover, while most utilities indicated to the Commerce Department that they would take up to one-third of their requirements from foreign sources, some indicated, off the record, a willingness to fill all their needs with imported coal.

Another recent study, reported in testimony before a House subcommittee, identified 91 utility plants along the east and gulf coasts that could receive coal directly by ocean-going vessels or barges. In addition, the study identified another 76 plants in the Midwest that are potential markets for imported coal. Because of lower water transportation costs, foreign coals can compete with domestic coals at many plants on the Mississippi, Ohio, and Missouri Rivers. Similarly, foreign coal can also be transported up the Saint Lawrence River into the Great Lakes at low cost. The study also reported that by 1990, about 37 million tons of utility coal demand not under supply contract will exist at east and gulf coast utilities that are capable of burning imported coal. Finally, the study emphasized the price disadvantage faced by domestic coal producers, reporting that along the Atlantic coast, competitive foreign coals average 87 percent of the U.S. price, and along the gulf coast, foreign coals average 77 percent of the price of domestic coals.

An important factor affecting the competitive position of the U.S. coal industry is the strength of the dollar against foreign currencies, which makes foreign coal less expensive on the U.S. market relative to domestically produced coal. In addition, the difference between domestic production

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7577

costs and foreign production costs has an effect on the competitive position of U.S. coal.

One reason for this may be that the regulatory environments governing foreign coal producers are less stringent than the regulatory environment in which domestic producers must operate. In a recent interview, Interior Secretary Donald Hodel pointed out that some foreign coal was "very low-cost coal produced under rules and restraints that are not comparable to ours from the environmental standpoint," and "imports of coal * * * produced under low safety and environmental standards raise unanswered ethical questions."

He stated:

It's incredible to me, but it appears to be true, that we will be increasingly importing coal into this country at a time when we are not utilizing fully the existing ability to produce coal.

Secretary Hodel said that U.S. coal imports were comparable to "Saudi Arabia announcing that it was going to import oil." I fully share the Secretary's sentiments.

Mr. President, it is very difficult at this time to determine the extent to which foreign coal imports will represent a serious problem in the future. We simply do not have enough information. It is essential that we gather the necessary information to be able to carefully assess the situation, determine the extent to which regional coal markets will be affected, and identify alternative policies for addressing any adverse economic impacts. For that reason, I am introducing the National Coal Imports Reporting Act. My bill directs the Department of Energy to issue a new quarterly report devoted exclusively to U.S. coal imports. This report will include data on the quantity, quality, and price of all imported coals. In addition, it will include statistics on country of origin, U.S. consumers of the foreign coal, domestic suppliers to these same consumers, and domestic coal displaced by the imported coal. Some of this information is already reported by the Energy Department in various documents, but is not organized in a single document. Consolidating this information will be useful for monitoring trends in U.S. coal imports.

Furthermore, Mr. President, my legislation directs the Energy Department to issue a report which focuses on the future. The Department of Energy is directed to conduct a detailed analysis of potential U.S. markets for coal imports between now and the year 2000. This analysis will identify potential domestic consumers and the magnitude of any potential economic disruptions, by State, including direct and indirect employment impacts in the domestic coal industry. The analysis will identify existing authorities available to the Federal Government relating to coal imports, and identify administration plans to address this problem. The Department

of Energy is required to report its findings to the Congress within 6 months.

Mr. President, my legislation will establish an information base which will be useful for carefully assessing trends in coal imports and their economic implications and impacts on the coal-producing regions of the United States. This is an important issue for West Virginia and the domestic coal industry, and I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Coal Imports Reporting Act of 1985".

QUARTERLY UNITED STATES COAL IMPORTS
REVIEW

SEC. 2. (a) The Secretary of Energy shall report to Congress on a quarterly basis on the status of United States coal imports.

(b) Each report required by this section shall—

(1) include quarterly, year-to-date, and previous year data on the quantity, quality (including heating value, sulfur content, ash content), and delivered price of all coals imported into the United States;

(2) identify the foreign nations exporting the coal, the United States consumers receiving coal from each exporting nation, domestically produced coal supplied to United States consumers of imported coal, and domestic coal production, by State, displaced by the imported coal;

(3) identify transportation modes and costs for delivery of imported coal;

(4) delineate mining costs of foreign-produced coals and mining costs of comparable quality domestically produced coals; and

(5) specifically high-light and analyze any significant trends or unusual variations in coal imports.

(c) The first report required by this section shall be submitted to Congress in October 1985. Subsequent reports shall be submitted within 30 days after the end of each quarter year. The report submitted at the end of the fourth quarter of the calendar year shall contain a summary of information for the calendar year.

ANALYSIS OF THE UNITED STATES COAL IMPORT
MARKET

SEC. 3. (a) The Secretary of Energy shall conduct a comprehensive analysis of the coal import market in the United States and report the findings of such analysis to the Congress within six months of the date of enactment of this Act.

(b) The report required by this section shall—

(1) contain a detailed analysis of potential United States markets for foreign coals, by producing nation, between 1985 and 2000;

(2) identify potential domestic consumers of imported coal and evaluate the magnitude of any potential economic disruptions for each impacted State, including analysis of direct and indirect employment impact in the domestic coal industry and resulting income loss to each State;

(3) identify domestically produced coal that potentially could be replaced by imported coal;

(4) identify contractual commitments of United States utilities expiring between 1985 and 2000, spot buying practices of

United States utilities, fuel cost patterns, plant modification costs required to burn foreign coals, proximity of navigable waters to utilities, demand for compliance coal, availability of less-expensive purchased power from Canada, and State and local considerations;

(5) evaluate increased coal consumption at existing utility plants between 1985 and 2000 resulting from increased power sales;

(6) provide analysis of the potential coal import market represented by new coal-fired plants currently under construction, new coal-fired plants projected up to the year 2000, plants planning to convert to coal, and plants planning to convert to coal, and plants that potentially could convert to coal;

(7) identify existing authorities available to the Federal government relating to coal imports, assess the potential impact of exercising each of these authorities, and describe Administration plans and strategies to address coal imports;

(8) identify and characterize the coal export policies of all major coal producing nations, including the United States, Australia, Canada, Colombia, Poland, and South Africa with specific consideration of such policies as—

(A) direct or indirect government subsidies to coal exporters;

(B) health, safety, and environmental regulations imposed on each coal producer; and

(C) trade policies relating to coal exports;

(9) evaluate the excess capacity of foreign producers, potential development of new export-oriented coal mines in foreign nations, operating costs of foreign coal mines, capacity of ocean vessels to transport foreign coal, and constraints on importing coal into the United States because of port and harbor availability;

(10) identify specifically the participation of all United States corporations involved in mining and exporting coal from foreign nations; and

(11) identify the policies governing coal imports of all coal-importing industrialized nations, including the United States, Japan, and the European nations by considering such factors as import duties or tariffs, import quotas, and other governmental restrictions or trade policies impacting coal imports.

Mr. SIMON. Mr. President, will the distinguished leader yield?

Mr. BYRD. Absolutely, Mr. President. I am delighted to yield.

Mr. SIMON. I would ask him for the distinct pleasure of being added as a cosponsor of that legislation. Illinois is a coal-producing State. Imports really are a problem. Imports are a problem also, in that, for example, we import a great deal of coal from South Africa. That is an uncertain source in addition to the fact, frankly, there is no question that the South African Government is abusing those people who are mining that coal. I think we have to take a good hard look at where we are going in this question of import of coal. I shall be pleased to join the distinguished minority leader.

Mr. BYRD. Mr. President, I am delighted that my friend from Illinois is asking to be made a cosponsor. I welcome that request.

Mr. President, I ask unanimous consent that the distinguished Senator from Illinois [Mr. Simon] be added as a cosponsor.

S 7578

CONGRESSIONAL RECORD — SENATE

June 6, 1985

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, will the Democratic leader yield 10 seconds?

Mr. BYRD. Yes, Mr. President, I yield as much time as the Senator wishes from that time and other time under my control.

Mr. HATFIELD. I thank the Senator.

CHANGE OF VOTE ON DEFENSE AUTHORIZATION BILL

ROLLCALL VOTE NO. 106

Mr. HATFIELD. Mr. President, I ask unanimous consent that the permanent RECORD be changed to indicate that the Senator from Oregon voted nay on vote No. 106. I inadvertently voted yea and, as most of us know, I have never voted in favor of a defense authorization bill. Therefore, I think we can safely assume that the vote I cast last night was in error. I might add that the change in the permanent RECORD will not change the outcome of the vote.

Mr. PROXMIRE. Mr. President, may I say to my good friend from Oregon, I am delighted to hear that. There are only three of us who voted nay. Now there are four. We are in excellent company with the distinguished Senator from Oregon.

Mr. BYRD. Reserving the right to object, Mr. President, facetiously, I recall to mind the old tune which I used to hear often from Nashville on Saturday nights when I listened to the Grand Ole Opry. It was entitled "Walking in My Sleep."

Mr. President, I certainly have no objection.

Let me ask, will the change in the vote in the permanent RECORD alter the outcome of the vote?

The PRESIDING OFFICER. The Chair advises it will not.

Mr. BYRD. I thank the Chair.

Mr. President, this is a request that is allowed under the rules, although Senators may not vote after the Chair has announced the vote. If they have not previously voted, they may, by unanimous consent, change their vote. I shall have no objection.

Mr. HATFIELD. Mr. President, I thank the distinguished Democratic leader for his support of this request.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER (Mr. TRIBLE). Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

AMENDMENT TO STATE DEPARTMENT AUTHORIZATION BILL

Mr. PROXMIRE. Mr. President, I send to the desk an amendment in behalf of myself, Senator HATFIELD, and others. This is a sense-of-the-Senate resolution, an amendment to the bill that will be coming up later today, the State Department authorization bill.

The PRESIDING OFFICER. The amendment will be received.

Mr. PROXMIRE. I thank the Chair.

WHY STAR WARS BLOCKS AGREEMENT ON ARMS CONTROL AT GENEVA

Mr. PROXMIRE. Mr. President, Gen. Edward Rowny served as our chief negotiator in the strategic arms limitation—or START—talks at Geneva that the Soviets walked out of last year. General Rowny continues as a senior arms control adviser to President Reagan. Meanwhile, the arms control talks at Geneva have been resumed. Obviously, General Rowny speaks with experience, knowledge, and authority about our current arms control talks in Geneva. Unfortunately, that does not prevent him from being wrong.

In a letter to the New York Times on April 29, General Rowny set forth our objectives at Geneva, and the roadblocks posed by the Soviets. His letter tells why the prospect for a significant arms control agreement at Geneva is so slight. General Rowny contends that the objective of the United States is "to reach agreement on deep reductions of all nuclear arms in a way that strengthens deterrence and enhances stability."

Do the Russians object to that? General Rowny contends they do object because they oppose the U.S. strategic defense research. And, says Rowny, that research is a "crucial part of our effort to strengthen deterrence and enhance stability."

Why do the Russians not see it the Rowny way? Here is why: The Russians have poured enormous resources into developing an immense arsenal of intercontinental ballistic missiles. These stationary land-based ICBM's constitute more than 70 percent of the Russian deterrent. President Reagan and Secretary Weinberger have repeatedly told us in the Congress that we should fund the proposed ICBM defense or star wars because it can, over a period of 15 or 20 years, provide a perfect or near-perfect defense against Russia's prime nuclear striking force, its intercontinental ballistic missile arsenal. Many critics say our star wars defense will not work. Or they say if it does work against the present Russian ICBM force, the Russians can simply shift to submarines, bombers, and cruise missiles to overcome it.

Mr. President, put yourself into the shoes of the Russians. The President of the United States and his Defense

Secretary insist that if the Congress will give them the funds, the United States can build a defensive system that will nullify the Soviets' prime deterrent. The United States has said it intends to build this defensive system and in the process hopes to eliminate 70 percent of the Soviet Union's nuclear deterrent capability. That is easy for us Americans to understand and applaud—if it works. But would you expect the Russians to say: "Great, go ahead, nullify our deterrent?"

General Rowny argues that "Moscow should be joining us in dealing with the here and now—reducing the large number of offensive nuclear arms that exist on both sides." They should, indeed. Both countries have everything to gain by a safer world: less prospect of a nuclear war that would destroy both countries as organized societies, and an unbearable burden of military spending.

So why will they not agree to reduce their offensive nuclear missiles if we reduce ours in tandem? The answer to that one is easy. What do we need to have the Russians do to make star wars succeed? Answer: Persuade the Soviets to make a wholesale reduction in their ICBM's. If the Russians reduced their ICBM's by a factor of two or three, it is just possible that a U.S. antimissile defense system might be able to protect our own American nuclear deterrents—our submarine pens, our bomber bases, as well as our Minuteman bases. It is unlikely in any event that star wars could protect our cities. But a point defense against missiles is conceivable if we can somehow reduce the Russian nuclear arsenal. For much of our own American deterrent, we enjoy a far lesser vulnerability than the Soviets. This is because our nuclear capability is largely submarine- and bomber-based, and because much of this force is at sea and in the air.

On the other hand, if the Russians refuse to reduce their nuclear arsenal in the kind of arms control agreement Rowny is calling for but instead multiply it, they can insure that their massive and increasing deterrent can overwhelm the star wars defense, and cheaply. Their missiles have massive throw-weight. The Russians can add warheads independently targeted to their big missiles, and they can do so very cheaply. So should we really expect the Russians to "make our day" by agreeing to reduce their offensive nuclear missiles when they hear the President of the United States pushing hard for a missile defense system that will nullify their nuclear deterrent? And when General Rowny says that the administration's objective in the arms control talks is to strengthen deterrence, it is not hard to see why the Russians don't see it that way.

Furthermore, while star wars research to date may not have violated the ABM treaty, it is obvious there is

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7579

no way that research could be put to any significant use in constructing missile defenses without violating the ABM arms control treaty that the U.S. Senate ratified by an 88-to-2 vote. We ratified that treaty. Having done so, we know that the deployment of a star wars system would kill it. It would also impose an immense cost on both countries. Star wars would provide a highly unpredictable and therefore unstable balance between the two superpowers. For more than 35 years, the superpowers have lived with offensive nuclear arsenals capable of utterly destroying the adversary. This grim fact has been the prime reason for 35 years of superpower peace. The deterrent has worked. Our agenda now should be to stop the arms race while the nuclear balance exists. We should stop it cold. We should stop it now. We should stop it by negotiating a freeze. We should not extend the arms race into space and wonder why its extension made the adversary so reluctant to dismantle his deterrent.

Mr. President, I ask unanimous consent that the article to which I have referred by Edward L. Rowny be printed in the *RECORD*.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

AMERICA'S OBJECTIVE IN GENEVA
(By Edward L. Rowny)

WASHINGTON.—The Soviet Union seems determined to prevent American research on strategic defense—research that the Russians themselves have long been conducting. In fact, the United States' immediate goal at the arms control talks in Geneva is to reach agreement on deep reductions of all nuclear arms in a way that strengthens deterrence and enhances stability. But our strategic defense research is a crucial part of that effort.

Moscow should be joining us in dealing with the here-and-now—reducing the large numbers of offensive nuclear arms that exist on both sides and exploring the potential benefits that can accrue from effective defenses. We have already placed several attractive arms reduction proposals on the table.

As for strategic weapons, we offered in October 1983 to trade offensive systems, which concern the Russians, for Soviet offensive systems, which concern us. Specially, we offered to trade advantages in our heavy-bomber capabilities for some comparable reductions in the advantages they enjoy in long-range ballistic missiles.

As for intermediate-range weapons, our preference is for zero on both sides. As an interim proposal, we have offered to agree to any equal level between zero and 572 intermediate-range missile warheads. This limit would apply to American ground-launched cruise missiles and Pershing 2's if the Russians would agree to an equal worldwide limit on warheads of their SS-20 and other intermediate-range missiles.

In short, one desired outcome of the negotiations in Geneva is mutual and verifiable reductions. Were we to accept the latest Soviet proposal for an across-the-board moratorium on strategic intermediate and space weapons, we would, to take only one example, be locking in the large advantages created by the Soviet deployment of more than 400 triple-warhead SS-20 missiles. This proposal would give the Russians an 8 to 1 ad-

vantage in intermediate-range warheads. It would divert the talks from the priority task of achieving a real reduction in offensive nuclear systems. And it would prevent our research on defense systems.

One often hears the question, "Why should Moscow reduce its offensive weapons while we're pushing defense research?" First, we are not alone in efforts to explore the feasibility of ground- and space-based defense against ballistic missile attack. Long before President Reagan's speech in 1983 outlining the strategic defense initiative, the Soviet Union was engaged in a large-scale defense research program.

Further, the Russians have been violating the anti-ballistic missile treaty. Given the pattern of their many activities in strategic defense, we are concerned that they may be establishing the basis for a nationwide ballistic missile defense capability. Such a move, combined with an erosion in the offensive balance, would have severe consequences.

Finally, as both sides have acknowledged, research is not verifiable and hence not negotiable. But the Russians seem determined to continue their own research while trying to stop ours. The freeze they propose on offensive forces would simply codify existing Soviet advantages.

We seek a more stable relationship. One way to achieve this, if our research bears fruit, would be through a greater reliance on defenses as a key component of deterrence. What we are trying to discover is whether, over time, we can move away from offensive retaliation as the sole basis for deterrence—away from "mutual assured destruction" and toward mutually assured security.

We cannot know for some eight to 10 years whether our research will pan out. Even if our research proves fruitful, these defensive systems must meet three demanding tests. First, survivability: they will need to be robust enough to withstand direct attack. Second, cost-effectiveness; the deployment of defense systems must, at the margin, be cheaper than the offensive systems they would be defending against. An additional laser pulse, for example, must be cheaper than an additional missile or warhead. Third: the deployment of these defensive systems must at each stage contribute to an improvement in the stability of the overall strategic balance.

One argument we hear against our strategic defense initiative is that it will induce the Russians to undertake a further offensive buildup so as to overwhelm the defense. Through discussions in Geneva, we hope to make clear to them that because we seek defensive systems that are cost-effective and stabilizing, an effort to overwhelm them will be impractical and prohibitively expensive.

We should not allow Moscow's public attacks on our defense research to divert us from the main objective of the Geneva talks. Instead, we must keep our eye on the ball and press ahead for sizable reductions in the offensive nuclear arms of both countries and for discussion of the future role of defense. The Russians say they share this goal. We hope that they are serious and that they will join us in the search for equitable and verifiable agreements.

SWEDEN'S ATTEMPTS TO HELP
EUROPEAN JEWS

Mr. PROXMIER. Mr. President, one cannot discuss the Holocaust without questioning why so many nations of the world remained neutral or were slow to react to the systematic destruction of European Jews. To look

back at that era it appears that the world failed to immediately recognize and act upon the moral imperative of helping the Jewish victims. To remain neutral in the face of such horror implies an abdication of civilization's most basic responsibilities.

The complex political and social issues surrounding neutrality during the Holocaust is examined in a recent article in *Scandinavian Studies*. In "Sweden's Attempts to Aid Jews, 1939-1945," Steven Koblik describes the tightrope Sweden was walking in its effort to remain free from Nazi domination while at the same time addressing the slaughter of the Jews.

Sweden's actions were dictated by caution. At the beginning of World War II, Sweden was threatened by the growing aggressiveness of Nazi Germany and Stalin's Russia. As the war progressed, Sweden saw Norway and Denmark fall into Nazi hands. While caution remained an overriding factor in its foreign policy, Sweden gradually began assisting Jews in a humanitarian effort to save them from Nazi persecution.

Growing efforts to assist Jews paralleled Hitler's intensification of their persecution. The insidious efficiency which Hitler had reached in his ability to systematically exterminate Jews demanded more dramatic rescue efforts. The Swedish Government offered safety to Denmark's 8,000 Jews and took in Norwegian refugees who made it across the border; Swedish diplomat Raoul Wallenberg, working in Budapest, managed to save 10,000 Jews and is credited with aiding up to 40,000; the vice chairman of the Swedish Red Cross entered Germany near the end of the war and brought back thousands of Jews who were near death.

Like many countries during the chaos of World War II, Sweden found itself in a nightmare that threatened its sovereignty and challenged its ability to address the horrors of the Holocaust. The unpredictability of the unfolding drama straddled the effectiveness of Sweden's response to the Holocaust. With our historical perspective, we should formulate an anticipatory international response to genocide that commits the world toward its prevention.

That is why, Mr. President, it is so essential that at a time when the Foreign Relations Committee has reported the Genocide Convention to the Senate for the sixth time in 35 years—and it was just reported. It is available now—the leadership of this body move to take up that Genocide Convention. I realize it would be a tough decision because it is a highly controversial treaty, although it has overwhelming support in this body, as indicated by recent votes. We have a commitment on the part of the Senate itself in a resolution passed at the end of the last session to take up the Genocide Treaty early in the 99th Congress. So

S 7580

CONGRESSIONAL RECORD — SENATE

June 6, 1985

I earnestly hope that our leadership will find a way to do that.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. PROXMIRE. Mr. President, I yield whatever time I have remaining to my good friend from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, let me inquire of the Chair how much time remains of the minority leader in morning business?

The PRESIDING OFFICER. The Senator from Wisconsin has 4 minutes remaining. Morning business has not yet begun.

Mr. RIEGLE. Of the time that was reserved by the minority leader previously, how much remains?

The PRESIDING OFFICER. Three minutes remains of that time.

Mr. RIEGLE. So the total would be 7. Four from the Senator from Wisconsin and 3 from the minority leader?

The PRESIDING OFFICER. Four minutes and 3 minutes do, indeed, equal 7, but there is an order that at 11 o'clock the Senate will go directly to the State Department authorization bill.

Mr. RIEGLE. Mr. President, the Senator from Michigan will speak quickly then.

RESPONDING TO THE INTERNATIONAL CHALLENGE

Mr. RIEGLE. Mr. President, press reports yesterday quote Lionel Olmer, outgoing Under Secretary of Commerce for International Trade, as having evidence that at least one Japanese company, Hitachi, is dumping semiconductors in the United States. Mr. Olmer appears to be in possession of documents which suggest a conscious, illegal intent for predatory pricing by the Japanese in the U.S. market.

I ask unanimous consent that following my remarks there be printed in the RECORD three related news articles on this matter from the Wall Street Journal and one from the New York Times.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. RIEGLE. Mr. President, I have written to our Acting U.S. Trade Representative, Ambassador Michael Smith. I have requested that he immediately utilize every resource available to his office to mobilize and to coordinate U.S. actions to identify and to stop such dumping activities as may exist.

I ask unanimous consent that my letter to Mr. Smith also be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. RIEGLE. Mr. President, the prima facie evidence of such conduct

requires that the United States take action now. The burden of proof must lie with the Japanese to demonstrate that they are not cheating in their competition for American dollars.

The U.S. trade deficit with Japan, which reached an unprecedented world record of \$19 billion in 1983, rose to a deficit of \$37 billion last year and now seems destined to rise to near \$50 billion in 1985. We export primarily raw materials and import increasing amounts of sophisticated manufactured goods. We cannot continue to struggle to compete under a different set of rules from the Japanese or any other foreign competitor.

As Lee Iacocca, the head of Chrysler Corp., said the other day, the United States is "getting whipped" by foreign competition. The American people have every right to get mad at the weak-kneed public policies which are costing us millions of jobs, and product markets and profits while squandering our enormous wealth and accumulating huge foreign debts. U.S. foreign borrowing to pay for this flood of imports from Japan and elsewhere, has caused us to now become a debtor nation for the first time since we emerged as a world power in 1914. Just 3 years ago we were the world's largest creditor. Well before election day next year we will be the world's largest debtor. Japan is now the world's major creditor, itself struggling to keep up with a long line of fiercely competitive national economies from South Korea to, eventually, China.

The unanimous findings and recommendations of the President's Commission on Industrial Competitiveness has recently emphasized the threat to U.S. world leadership and standard of living posed by these new realities. For the sake of America's economic security and our ability to continue to serve as the locomotive for world economic growth, we here in the Senate must be committed to winning in the new global economy. And we must be vigilant and forceful with timely response to incidents of unfair, market distorting practices by foreign concerns such as that occurring here in semiconductors.

I will report further to the Senate on this issue when I have received a response from Ambassador Smith.

EXHIBIT 1

[From the Wall Street Journal, June 5, 1985]

HITACHI LTD.'S PRICING FOR SEMICONDUCTORS PROMPTS PROTEST BY AMERICAN OFFICIALS
(By E.S. Browning and Stephen Kreider Yoder)

Tokyo.—Hitachi Ltd.'s go-for-broke strategy against U.S. and Japanese competitors in the multibillion-dollar semiconductor market is prompting U.S. officials to step up pressures against what they call predatory pricing.

Hitachi, in a memo to its distributors, urged them to beat all competitors' prices by 10% to expand their market share. While Hitachi said Tuesday the memo doesn't reflect company policy, the company's competitors said it accurately reflects recent experience in competing against Hitachi.

"Quote 10% below their price. If they re-quote, go 10% again. Don't quit till you win," reads the Hitachi memo.

A copy of the memo was handed to Japanese trade officials Tuesday night by outgoing U.S. Undersecretary of Commerce Lionel Olmer at a farewell dinner in his honor here. Mr. Olmer complained that Japanese price-slashing was of a predatory nature that could damage U.S. makers of semiconductors, which are the building blocks for many high-technology fields.

Japanese officials were shocked to receive the fresh complaints on the occasion of a private dinner they had held to wish Mr. Olmer well as he returns to private law practice in Washington. "It has never happened before," said one Japanese official. "Dinner is dinner. If they had wanted to present documents, they should have scheduled a meeting."

The dispute is important now because as U.S. makers acknowledge, Japanese makers already dominate the market for simple memory devices. Now, by cutting prices and marketing aggressively, the Japanese are challenging U.S. leadership in more sophisticated devices.

The Hitachi memo centered on one such product category: EPROM chips. EPROM is an acronym for erasable, programmable read-only memory. The document presented to the Japanese by U.S. officials calls for Hitachi's distributors to undercut the prices of the two leading U.S. EPROM makers, Intel Corp. and Advanced Micro Devices. It urges distributors to use the same tactics in competing with Fujitsu Ltd., another Japanese producer, and promises the distributors a 25% profit no matter what price they charge.

Hitachi said it "understands" the memo was drafted by a person in its U.S. semiconductor marketing department in San Jose, Calif. "After learning of the distribution of this memo outside the company, Hitachi America has taken steps to advise all of its distributors that the memorandum doesn't reflect company policy, wasn't approved by the company's management and should be disregarded," said Hiroshi Miyamoto, vice president and corporate secretary of Hitachi America Ltd., Tarrytown, N.Y.

Andrew S. Grove, president of Intel Corp., said the content of the memo accurately reflect Intel's experience in competing with Hitachi. "In little bits and pieces we've been living that story" as Hitachi EPROM prices have plummeted in a "freefall," he said. Intel regards EPROM products as a mainstay of its business.

U.S. negotiators here said they are particularly worried about the EPROM products because they are useful for storing instructions in a wide variety of machines, from video games to personal computers. World-wide sales of the product, currently about evenly divided between Japanese and U.S. makers, total about \$1.17 billion a year, according to Dataquest Inc., a market research concern.

The conflict is heating up now because the semiconductor business has hit a severe glut. With demand weak, the market is awash with excess production. But rather than cut back, Japanese makers are actually increasing their production capacity. Mr. Olmer said Japanese makers are aiming to build market share and crush U.S. competition during a period of weakness. He said prices for EPROMs have fallen 75% in the past year—much more rapidly, he said, than simple market forces would dictate.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7581

U.S. AIDE PEGS TRADE GAP WITH JAPAN AT \$50 BILLION

TOKYO—A senior U.S. Commerce Department official forecast the U.S. trade deficit with Japan would hit a record of about \$50 billion this year, up from previous records of \$37 billion last year and \$19 billion in 1983.

"The trade deficit in 1985 is likely to approach, if not exceed, \$50 billion," said Commerce Department Undersecretary Lionel Olmer in a speech here.

The forecast marks a sharp escalation in U.S. predictions on the size of the deficit. Last December, Mr. Olmer was saying that the 1985 deficit with Japan would surpass \$36 billion. More recently, U.S. officials had inflated that estimate, and were talking about more than \$40 billion. U.S. officials say the expanded forecast is due partly to sharp increases in Japanese exports of automobiles and electronic goods.

Mr. Olmer said that half of the deficit could be blamed on the strong U.S. dollar, which makes U.S. goods more expensive abroad and foreign goods cheaper in the U.S. But a larger part of the deficit with Japan, he said, is due to difficulties U.S. companies have in gaining access to Japan's market.

MICROCHIP FIRMS IN UNITED STATES
YIELDING A MAJOR MARKET
(By Michael W. Miller)

U.S. semiconductor makers are retreating from the largest segment of the world's microchip market: the circuits that store computer memory.

Faced with plunging prices and a glut of products from Japanese rivals, many U.S. companies are finding it no longer profitable to make basic memory chips. They are cutting back plans for this market and concentrating efforts on more advanced technologies, like microchips that process rather than store information, and other specialized chips. The Japanese also have begun taking aggressive price stances in those markets.

For U.S. producers, the category affected most is called dynamic random-access memory—the essential, no-frills device that last year generated an estimated \$3 billion in revenue, or about 13% of all semiconductor sales. In the category's next product generation, the so-called 256K D-RAMs, Japanese makers are about a year ahead of the few U.S. companies still in the market. Some analysts predict the generation after that could be all Japanese.

ABDICATING MARKET

"It looks to me as if most U.S. semiconductor companies are abdicating from the dynamic RAM market," says John Lazlo, an analyst at Hambrecht & Quist, a San Francisco investment firm.

Last week, for instance, National Semiconductor Corp. disclosed that it has shelved its longtime plans to produce a 256K D-RAM chip, which stores 256,000 characters. After a year of making sample products, National Semiconductor said it won't produce the chip "until we can see the ability to make a profit with it."

Many other big U.S. chip makers say they won't do much more than tiptoe into the 256K D-RAM market. Intel Corp. and Advanced Micro Devices, for instance, say they'll make only specialized versions of the product in small quantities. Only Texas Instruments Inc. will offer serious competition in the next D-RAM markets, analysts predict.

U.S. semiconductor industry officials contend that moving away from cheap products like D-RAMS—a commodity that doesn't

vary much from one maker to another—won't hamper their overall efforts to stay competitive. They say the shift will let them move ahead faster with the more advanced technologies.

BITTERNESS IN CONCEDING FIELD

But U.S. industry officials concede that churning out D-RAMs in high volume has always been a crucial way for them to develop and refine new manufacturing technology. Some express bitterness about conceding that or any big market to their archrivals in Japan.

"It's a very important sector of the semiconductor market, and the fact that the U.S. is not a competitive producer (in that market) is something we should be concerned about," argues Jack Carsten, a senior vice president of Intel Corp., Santa Clara, Calif. "Although the thing is considered a commodity, it's a very high-technology, strategic commodity."

The Japanese march into the memory-chip field has been striking. When the market for D-RAMs began blossoming about five years ago, the Japanese targeted the product as a top priority. By 1981, Japanese makers were grabbing two-thirds of the market for 64K D-RAMs, though their share has since dropped to about half, as U.S. companies hustled to catch up.

Meanwhile, analysts say, Japanese concerns have captured a year's lead on the next generation of D-RAMs, which store 256,000 characters. Such big Japanese electronics companies as NEC Corp., Fujitsu Ltd. and Hitachi Ltd. have reportedly been shipping three or four million of the 256K circuits monthly since early this year, and now hold about 90% of the world market for that circuit. In the U.S., only Texas Instruments is making the product in comparable quantities, analysts say.

For the product generation after that, a "megabit" D-RAM chip with a million characters of memory, the U.S.'s role will dwindle even further, industry professionals predict.

"The Japanese are further ahead on the megabit D-RAM than they ever have been" with previous such products, says Mr. Lazlo of Hambrecht & Quist. "I doubt if Americans are going to compete there," agrees Jack Beedle, an analyst at In-Stat Inc., a Scottsdale, Ariz., market research firm. "They're going to have to take a hard look at what's important: profit or market share."

Behind the U.S.'s retrenchment lies one of the electronics industry's most precipitous price collapses ever. Last year, for example, early versions of the 256,000-character chips cost between \$25 and \$50, though predictions were that the price would drop once those chips were being mass produced. "A lot of business plans were formulated then, based on estimates of an average selling price in the \$10 to \$15 range this year," recalls Mr. Beedle.

But massive stockpiling by over-confident chip customers changed that. By last fall, as customer inventories began becoming bloated, the price already was down to about \$16. At the start of 1985, the parts were fetching about \$8. Prices are still cheaper today: one Sunnyvale, Calif., grocery store is selling 256,000-character D-RAMs for \$3.99.

Among the hardest hit victims of the current semiconductor slump have been those that specialize in D-RAMs, such as Micron Technology Inc. and United Technologies' Mostek unit. In February, Micron slashed its employment in half, dismissing about 625 employees. Mostek has dismissed 3,000 workers so far this year, paring its employment to 6,300.

[From the New York Times, June 5, 1985]

JAPANESE CHIP DUMPING CITED

(By Susan Chira)

TOKYO, June 4.—At least one Japanese company is "dumping" semiconductors in the United States market, a high-ranking American trade official charged today.

Lionel Olmer, Under Secretary of Commerce for International Trade, said he had evidence that one manufacturer, later identified as Hitachi Ltd., was cutting the price of a specialized type of memory chip below a level where the manufacturer could make a profit.

"By any reasonable standard, the manufacturer is not making any money, and that is dumping," Mr. Olmer said.

Under United States trade laws, adapted from a general provision in the General Agreement on Tariffs and Trade, it is illegal for a foreign company to sell products in the United States for below the cost of production if that selling injures American producers.

Mr. Olmer's charges appeared to support the claims of United States-based semiconductor makers, which have charged recently that Japanese electronics companies were taking big losses in their semiconductor operations in an effort to dominate the American market.

Mr. Olmer did not name a specific company today. But later, an aide held up a document indicating that Hitachi was the company involved.

Another source familiar with the issue provided a copy of what seemed to be the same document, on condition that he not be identified. The document appeared to be addressed to Hitachi distributors and salesmen, although it was without a company letterhead and could not be verified as genuine.

It was not immediately apparent how the Commerce Department had obtained the document, but it bore an imprint bearing the name "Intel Denver." The Intel Corporation, one of Hitachi's chief American competitors, has a sales office in Denver.

The document reads in part: "Win with the 10 percent rule. Find AMD and Intel sockets. Quote 10 percent below their price . . . If they requote, go 10 percent again . . . Don't quit till you win!"

AMD stands for Advanced Micro Devices, another American competitor of Hitachi. The memo does not provide proof of dumping because it is unclear what the profit margin is.

In an apparent reference to Hitachi distributors, who sell the company's chips to equipment manufacturers, the document also says, "25 percent distl profit margin guaranteed."

[In New York, Hitachi America Ltd. acknowledged that the memorandum had been sent to its distributors from the company's San Jose, Calif., office. But in a statement Hitachi insisted that "the memorandum does not reflect company policy, was not approved by the company's management, and should be disregarded." Intel officials expressed disbelief at Hitachi's statement, charging that the document disclosed a concerted, illegal effort to corner a key sector of the semiconductor market.]

The chips in question are called Erasable-Programmable Read Only Memories, or Eprom's. They are used to store programs commonly run on computer systems. Unlike other Read Only Memories, or Rom's, the program stored in an Eprom can be changed, Intel and Hitachi market interchangeable chips to users of Eprom's.

In a breakfast address today to Japanese politicians and business executives, Mr.

S 7582

CONGRESSIONAL RECORD — SENATE

June 6, 1985

Olmer said he was worried about rising trade frictions in the semiconductor market and Japanese trade practices. He said: "We are going to lay before MITI some evidence that the price of Eprom's has fallen far more precipitously than the normal curves in the last 15 years. The price has reached a point where by any reasonable standard the manufacturer is not making any money, and that is dumping." MITI is Japan's Ministry of International Trade and Industry.

The source who provided a copy of the document also displayed a chart plotting the price of Eprom chips in the last year. Industry analysis, he said, believe that Eprom chip prices have fallen much faster in the past year than is usual for new semiconductor products.

For example, he said, a year ago Eprom's sold for about \$20 apiece. Now, he said, Hitachi is offering them for \$4.50 each. Normally, he said, they would sell for about \$9. This analysis, as well as the document, led the United States to conclude that Hitachi has dropped the price too quickly to be making a profit, he said.

EXHIBIT 2

U.S. SENATE,

Washington, DC, June 5, 1985.

Hon. MICHAEL B. SMITH,
Acting U.S. Trade Representative,
Washington, DC.

Mr. AMBASSADOR: Press reports today quote Lionel Olmer, outgoing Under Secretary of Commerce for International Trade, as having evidence that at least one Japanese company is dumping semiconductors in the United States. Mr. Olmer appears to be in possession of documents which suggests a conscious, illegal intent for predatory pricing by the Japanese in the U.S. market.

I ask that you immediately utilize every resource available to your office to mobilize and to coordinate U.S. actions to identify and to stop such dumping activities as may exist. The "prima-facie" evidence of such conduct requires that the U.S. take action now. The burden of proof must lie with the Japanese to demonstrate that they are not cheating in their competition for American dollars.

The United States trade deficit with Japan seems destined to rise to near \$50 billion in 1985, with the U.S. exporting primarily raw materials and importing increasing amounts of sophisticated manufactured goods. We certainly cannot continue to compete in our own markets under a different set of rules from the Japanese.

Please keep me informed of your progress in this matter and feel free to contact me at any time I may be of assistance.

Sincerely,

DONALD W. RIEGLE, Jr.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

D-DAY

Mr. DOLE. Mr. President, 41 years ago to this day, forces of the World War II Allies—American, British, Canadian, and French—set sail across the cold, dark waters of the English Channel toward the beaches of Normandy. Fourteen years earlier, the Nazis had defeated France, driving the Allies from the European Continent. The result of years of planning, the D-day invasion broke the Nazi strangle-

hold in Europe and led to the eventual defeat of the Axis. For Hitler and his reign of terror, June 6, 1944, marked the beginning of the end.

Approximately 130,000 troops landed at Normandy—57,300 were American. Another 15,000 American paratroopers preceded them on the night of June 5, securing bridges and access roads to Utah Beach which greatly contributed the battle's victorious outcome. The Allies suffered over 10,000 casualties, with 6,000 Americans being killed or wounded. The United States stood proud of the role her soldiers played in the battle, even as she mourned her dead, knowing that her losses were necessary to bring about the Third Reich's fall.

Along the Normandy coast, half-submerged boats can still be seen jutting out of the English Channel: rusty rifles and helmets can still be found buried in the sandy beaches. All stand as chilling reminders of the awesome battle that raged four decades before. We will never forget the young GI's who fought and died for the noble cause of freedom, and never lose our resolve to prevent world war from ravaging the Earth again.

DRUG TESTING IN BASEBALL

Mrs. HAWKINS. Mr. President, late last year my subcommittee, Children, Family, Drugs and Alcoholism, conducted a hearing into sports and drug abuse. We heard much testimony from individuals in all parts of the world of sports, and came away very impressed at the desire and the ability of the world of athletics to police itself. According to recent articles in Newsweek magazine and the Washington Post, however, athletics is still plagued with the problems of illicit narcotics.

Both these articles were in reaction to the recent announcement of Baseball Commissioner Peter Ueberroth involving stepped-up drug testing. Commissioner Ueberroth, who had previously indicated his support for drug testing for major league players in the baseball leagues (though it remains strictly a voluntary procedure), has recently ordered all employees of the game he oversees to undergo drug testing. As the commissioner is quoted as saying: "My intention is to see to it that baseball rids itself of drugs."

Despite this obvious determination and forcefulness in solving the drug abuse problem, Mr. Ueberroth has managed to keep the emphasis on help rather than punishment. He remains hopeful that the Players' Association will eventually come around to concurring that baseball's voluntary drug program has proved insufficient. While the commissioner continually expresses confidence in his players, saying, " * * * the huge majority of players are just as clean as they can be," he is only too aware of how pervasive is the shadow of drug abuse in sports. So much so that drug use has

become one of the first theories for every slump.

Commissioner Ueberroth made this announcement during a difficult time for baseball, as additional information emerges regarding cocaine use by certain members of the Kansas City Chiefs. It is expected that numerous drug offense indictments will be handed down soon by a Federal grand jury.

Numerous administration officials in baseball have expressed support for Mr. Ueberroth's efforts, and I would like to take this opportunity to do the same. I commend Commissioner Ueberroth for his concern, and his untiring work not only in behalf of his players, but also in behalf of the youthful fans who idolize and emulate their baseball heroes.

Mr. President, I ask unanimous consent that the Newsweek article, dated May 20, 1985, and entitled "Putting Baseball to the Test," and the Washington Post article, dated May 12, 1985, and entitled "Ueberroth Plan Poses Problems," be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek magazine, May 20, 1985]

PUTTING BASEBALL TO THE TEST

Everybody under Peter Ueberroth's power has been ordered to the specimen jar to prove that no one in baseball gets a kick from cocaine—with the possible exception of the players. By all reports, enough of them are using coke to interest grand juries and alarm the commissioner. But since drug testing of major leaguers, as negotiated by their union, is a largely voluntary matter, Ueberroth is cracking down on the bat boys, secretaries, office clerks, scouts, managers (Pete Rose included?), owners—and commissioners—in a gesture that is undeniably noble, probably futile and more than faintly Olympian. Sentimental waves that start in sport and extend to the country must be considered his specialty.

"My intention is to see to it that baseball rids itself of drugs," he says simply. "If, by example, we assist any other part of society because of our visibility, that's a secondary benefit. I'm not on some crusade." Keeping the emphasis on help rather than punishment, he is hopeful the Players Association will come around to concurring that baseball's voluntary drug program has proved insufficient, though early returns from the rank and file indicate that ballplayers are as loath as anyone else to swallow truth serum at the workplace. St. Louis Second Baseman and Player Representative Tom Herr says, "Part of me resents the fact that I could be subjected to testing," though he also admits, "another part of me says that maybe it's the only way to stop the abuse going on."

While Ueberroth believes that "the huge majority of players are just as clean as they can be," he knows that the shadow of drug abuse is so pervasive in athletics that it has become one of the first theories for every slump. "If I was a major league baseball player, I'd want to take the test," he says, "to remove any doubt. One minute three or four times a year would not be the end of the world." The role that cocaine played in the Tulane University basketball team's recent gambling scandal made an impres-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7583

sion on Ueberroth. "We're not going to have a Tulane in baseball," he vows.

All the same, baseball is braced for a disgrace of its own, more trauma on the order of the cocaine-related jail terms served by four former Kansas City teammates last year. Whether players or their suppliers are the direct targets of the new investigation, reports that a federal grand jury in Pittsburgh is about to hand down several embarrassing indictments helped time Ueberroth's announcement last week. "Accelerated it," using his phrase. For four months, athletes as eminent as the Mets' Keith Hernandez, the Yankees' Dale Berra, the Orioles' Lee Lacy and the Expos' Tim Lincecum have been trooping to the witness stand in Pittsburgh, setting the city to whispering about drug sales transacted right in the clubhouse. If a player is implicated in any crime, immunity from prosecution may not protect him from the commissioner. The crowd of fans now staking out the moral high ground may thin out a little if the issue comes down to a home star forced to sit out the pennant race.

This season the National League champion San Diego Padres have lost Second Baseman Alan Wiggins to a drug-care unit for the second time in three years. His relapse was particularly pathetic because the Padres embraced Wiggins in the manner of a loving family standing by a troublesome son. They avoided being judgmental, and Owner Joan Kroc visited him at the detoxification center. "I will never give up on any human being as long as they are breathing," she says, but the club has suspended Wiggins for the rest of the season.

After his treatment settled a 1982 cocaine possession charge, Wiggins gave inspiring talks to youth groups for the San Diego police department. His unpolished delivery was so earnestly affecting that he was chosen to represent the Padres in one of 26 national antidrug television spots. In a badly timed news release, the announcement of his good work nearly coincided with the disclosure that he had slipped again.

If the particulars of Ueberroth's program have been worked out, the details have not been released. But owners and general managers are racing each other to be No. 1 in line. "I endorse it heavily," says Chicago Cubs General Manager Dallas Green; St. Louis Executive Fred Kuhlmann offers, "I would be the first to volunteer."

Since they are not members of the union, all minor leaguers will be compelled to take the tests, though cocaine is not a drug generally associated with smaller salaries. At that, urine sampling is common if not routine in the bush leagues already. The Hagerstown Suns, Baltimore's Class A farmhands, thought it hilarious that the commissioner's edict fell on the day of their regular checkup. "We'll standardize the tests, though," says Ueberroth, whose Olympic experience assures him that the results are dependable. Maybe, like helmets in hockey, the tests will become such a matter of course in the minors that they will hardly be noticed by the next generation. But Don Fehr, acting executive director of the union, seems to doubt it. Although there is space for amendment, he notes that in the year since labor and management have entered into their joint drug plan, no player requested to undergo testing has refused. "As far as we can tell, our agreement is working—not perfectly, but it's working."

Fehr has a keen and proper concern for the rights of men. "We don't want major league players treated any differently than anybody else in this country," he says. "We don't want them treated any better, but we certainly don't want them treated any worse." On the other hand, Ueberroth has a

keen and proper concern for the heroic images of idols admired and emulated by youthful fans. Their game is endangered.

[From the Washington Post, May 12, 1985]

UEBERROTH PLAN POSES PROBLEMS

(By Christine Brennan)

His words were sharp. His message was clear. When Commissioner Peter Ueberroth this week told all employees of the game the rules, with the exception of major-league players, that they would have to take a drug test, he was speaking to a much greater audience than the world of baseball.

The wide world of sports listened. And reacted. Once again, sports and drugs collided in public. And this time, people who know both say they might have reached the watershed.

Sam Rutigliano, the former coach of the National Football League Cleveland Browns and the only man to set up a drug counseling and treatment group within an individual professional sports team, liked what Ueberroth said.

"It's a bold decision," he said. "He's causing a lot of people to do Fred Astaires. Shuffle their feet. If you want to clean the problem up, you have to go for the jugular vein."

Dr. Irving Dardik, the former chairman of the U.S. Olympic Committee's Sports Medicine Council and a man who has spent much of the last year dealing with blood doping, drug testing and steroids, agrees with Ueberroth—with reservations.

"I think you have to do something to test athletes," he said. "But it's going to take a lot more than testing to solve the problems. There are drugs you can't test for, there are questions of what's legal and what's not, and there are new drugs all the time."

And while Gene Upshaw, executive director of the NFL Players Association, disagreed with Ueberroth's "grandstand play," he acknowledged that it wasn't all that bad. "We feel we have our (drug situation) under control," he said. "We do it internally, quietly, discreetly. We don't put a gun to someone's head. I'm not saying the problem is solved in the NFL. It's an on-going process."

Three of the four major sports leagues admit they have drug problems that must be dealt with. Baseball, the NFL and the National Basketball Association have extensive drug detection and rehabilitation programs; the National Hockey League has no written policy and helps players individually.

Just this week, in Sports Illustrated, Buffalo Bills nose tackle Fred Smerlas said 40 percent of NFL players use steroids. Others said it is as high as 90 percent.

What's more, the networks—the companies that hold the purse strings—wonder if there might not be some small correlation between declining TV ratings and the increasing news of drugs in sports.

"Yes, it does go through your mind," said Neal Pilson, executive vice president of CBS/Broadcast Group, which carries NBA games. "I have received some personal statements from people who would qualify as average fans that this has had an impact. It's totally incapable of objective analysis, but does it help television when a sport is identified with drug users and people are indicted for drug use? There is no conceivable way you can say yes."

Pilson pointed to an improvement in ratings for the network's NBA telecasts as an example. The ratings are up slightly over last season. "Over the last two to three years the NBA has improved its image," Pilson said. "The owners and players have a proper sense of the image of the league. Has

that helped TV ratings increase? Yes, I think it has."

Ueberroth's announcement has, at least, made people think and speak up.

Rutigliano, for example, never will be remembered for his record in Cleveland. During his 6½ years there, his teams won 47 and lost 50. He was fired after the Browns began 1984 with a 1-7 record. Then, with the help of several former players and doctors, he established the "Inner Circle," a support group for Browns players who were involved with drugs, especially cocaine. In four years, eight players were "directly" involved, he said. "They stayed with the program and absolutely straightened out their life."

The names have been kept secret, except for running back Charles White, who blew his cover when he attended a rehabilitation clinic in California, Rutigliano said. There has been no retribution from owner Art Modell of the Browns, or from the league. Former players such as Calvin Hill, who helped Rutigliano with counseling, swear by it. Doctors sing its praises.

But no one else in pro sports has tried anything like it.

"Why did no one else do it?" Rutigliano mused. "It involves so much, so much time, so much effort."

"Had the Cleveland Browns gone on and won the Super Bowl, then it would have been in vogue."

Drugs still are a "problem" in the NFL, he said. "Too many people have their head in the sand, thinking it's going to go away," he said. "It's not going to go away."

The Browns administer two drug tests per week to those players in the Inner Circle, Rutigliano said. The NFLPA knew about this, he said. "The owner and the team agreed. We were not monitoring them because of distrust, but because they knew they had to stay clean."

"Drug addiction is the one illness in which the person who has it doesn't think he's sick."

Rutigliano's success might be directly related to the size of his group. Ueberroth plans to test more than 3,000 people. Dardik scoffs at the notion of testing so many people.

"In the Olympics (Ueberroth was president of the Los Angeles Olympic Organizing Committee), we tested medalists and did some spot-checking."

"But Ueberroth is not just testing at the World Series. He's testing everyone through the year, I guess. I agree with drug testing, but it's very technical, extremely expensive and extremely complicated."

Dr. Robert Forney is a toxicologist at the Medical College of Ohio in Toledo. Rutigliano made him a part of the Inner Circle, and even asked him to travel with the Browns to counsel and advise players during free time in the hotel. Once Rutigliano asked Forney to talk to his team about drugs in place of the usual pregame psyche-up speech against the Los Angeles Rams.

Forney said drug testing sometimes is not monitored closely enough. It's not uncommon for a player to substitute another player's urine sample for his own, he said, or to alter the sample with a substance that masks the presence of drugs.

"Urine testing, I believe, is coming," he said. "I think we'll see it during pre-employment in many fields, and also during employment. Right now, people say, 'No one else does it. Why should we?' I think we'll see that argument evaporating."

In pro sports, drug tests are set up primarily to detect cocaine. In June 1982, former NFL defensive lineman Don Reese, now a member of the U.S. Football League's Bir-

S 7584

CONGRESSIONAL RECORD — SENATE

June 6, 1985

mingham Stallions, coauthored a cover story in *Sports Illustrated* about his use of cocaine. "All else being equal," he wrote with John Underwood, "you line up 11 guys who don't use drugs against 11 who do—and the guys who don't will win every time."

"If you're a team on drugs, you'll never play up to your potential, at least not for more than a quarter or so. Then it's downhill fast. I've known times on the field when the whole situation blacked out on me. Plays I should have made easily I couldn't make at all. I was too strung out from the cocaine. It was like playing in a dream. I didn't think anybody else was out there."

Forney said athletes who use cocaine find some short-term positive effects.

"Drugs make you feel good, no question," he said. "They may keep you from feeling drowsy. They can control your appetite. These are emotional things, and ballplayers are emotional beings."

Said Hill, who often speaks and writes about the dangers of drug use: "It charges players up when they take cocaine. It's the drug that makes people feel like they want to feel."

Forney, who counsels several other pro sports teams, said an NFL quarterback once spoke with him about a receiver on his team. The receiver, Forney recalled, was using cocaine during games. "The quarterback told me he knew it was happening and could tell when it was happening. The guy was not getting to his assignment on time, he was dropping the ball. The quarterback said he had to hit him on the numbers or he would drop the ball."

The quarterback was fed up. "I don't care what he does with his own life," Forney remembered the quarterback saying, "but when he starts affecting me, that bothers me."

When the quarterback talked to the receiver about it, Forney said, the receiver's answer was, "I do better with cocaine."

"The biggest problem we have is the problem of denial," Forney said.

The receiver, Forney said, never received treatment and, to the best of his knowledge, is out of the league.

Rutigliano said he could spot cocaine users from practice habits and game films, once he got to know the symptoms of drug use. He also quickly found out that "drug dealers were following us in the next plane that took off behind us, that they had reservations at our hotel."

The problem still gnaws at Rutigliano today. "I don't know what the answer is, but it is not sitting in an office in New York saying it will go away," he said. "There is no question it eventually will hurt the game."

Hill agrees. "I don't see anybody else working as hard as we are," he said of the Inner Circle. "And we're just keeping our heads above water."

LEAGUE DRUG POLICIES

NHL: The only league of the big four that has no written policy, the NHL does not require its players to be tested for drug usage. Urinalysis, a standard procedure in training camp physicals, is considered a "normal medical procedure," not a test for drugs, said John Halligan, NHL director of communications. If a player is caught with drugs, he is suspended.

NBA: For the last two seasons, the NBA has had a relatively strict policy. If a player asks, he will be provided counseling and medical assistance from the Life Extension Institute. The team pays the player's bills and the player stays on the payroll. A second voluntary request for treatment requires the player to be suspended without pay. Upon a third request, the player is per-

manently dismissed from the league. Until the point of dismissal, the player remains anonymous. Urinalysis for drug testing occurs only when an "independent expert," hired by the league, determines there is "probable cause." A player may be spot-tested four times within a six-week period; one positive test and he is kicked out of the league, according to the NBA's public relations office. There also is a league hotline for players and their families.

NFL: In the players' collective bargaining agreement, drug tests are allowed once during the preseason physical and once during the season, under the "probable cause" umbrella. There is no spot-checking, said Gene Upshaw, executive director of the players association. If players need rehabilitation or counseling, they may go to the Hazelden treatment center in Center City, Minn., where confidentiality is assured.

Major league baseball: Major league players are the only employees of the game not under a plan to be tested, but that could change, pending contract negotiations. According to a plan adopted last summer, a team that suspects a player of drug involvement may ask him to undergo testing. If the player refuses, evidence must be submitted to a three-member review council, picked by a committee of owners and players. If the council recommends that the player be tested or treated and the player still refuses, he is subject to disciplinary action. Baseball owners adopted a plan for players who abuse drugs, not including marijuana, alcohol and amphetamines. A player who asks for time away for treatment receives his salary for the first 30 days and half pay for the next 30 days. After that, the club may release him.

AMERICAN GAS ASSOCIATION

Mrs. HAWKINS. Mr. President, on April 3 of this year, I joined the American Gas Association in announcing the National Child Watch Campaign. The AGA, in conjunction with the National Child Safety Council and the National Center on Missing and Exploited Children, has organized a nationwide-campaign to help locate missing children. The National Child Watch Campaign offers gas and utility companies throughout the United States the opportunity to place flyers of stranger abducted children in their monthly mailings and participate in additional prevention, safety, and education efforts. George Lawrence, president of the American Gas Association, recently informed me that since the formation of the child watch campaign, 90 of their member companies and 102 utilities in 40 States have joined in the search for missing children.

Mr. President, I ask unanimous consent that a list of the participating utilities and an article on the child watch campaign that was printed in the May 1985 edition of AGA Monthly be printed in the RECORD as if read.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CHILD WATCH CAMPAIGN

Ann Gotlib, 13, and Mitchell Owens, 8, were kidnapped by strangers for reasons other than ransom, and they are likely to be hundreds, even thousands, of miles from their homes and families. You can play a major role in finding them.

A.G.A., in partnership with the National Center for Missing and Exploited Children and the National Child Safety Council, is organizing a nationwide campaign to help solve the tragedy of "missing" children—a grim problem that besets all areas served by the natural gas industry. This effort, called the "National Child Watch Campaign," offers gas companies throughout the United States the opportunity to unite efforts to help find some of these abducted children and help prevent future abductions. Through Child Watch, A.G.A. and its member companies can develop a national public information and education campaign directed at the more than 50 million households and many communities served by the gas industry.

The timely program is being implemented this month, just after National Child Safety Week and National Consumers Week.

The program's name is a takeoff on the "Neighborhood Watch" concept. As the name implies, the campaign will alert the public to watch out for missing children—to help reduce abductions by educating the public about ways to protect children and by reminding potential abductors that "we are watching!"

The National Child Safety Council, which operates the highly publicized and successful national program using milk cartons to advertise missing children, approached A.G.A. with the idea for the Child Watch campaign. Because gas utilities have regular access to millions of people, the Council believes that the gas industry is uniquely qualified to conduct this type of program on a national level.

A nonprofit, charitable organization, the Child Safety Council works closely with the government-funded National Center for Missing and Exploited Children, located in Washington, D.C., and the U.S. Department of Justice. As the oldest national child safety organization, the Council was the first to address the issue of missing and abducted children, some 30 years ago. In addition to its milk-carton campaign carried out in grocery stores nationwide, the Council also developed the "Safetyup" campaign, in which ½-pint-size milk cartons distributed to schools tell children about the potential for abduction and how to prevent it.

The National Center for Missing and Exploited Children is a national clearinghouse for information on the estimated 1.5 million children reported missing each year. The Center was established last year in a nationwide effort to protect children and to provide direct assistance in handling cases of child molestation, child pornography and child prostitution.

While local-level campaigns for missing children certainly are helpful, John B. Rabun Jr., deputy director for the National Center, points out that children who are abducted by strangers are *almost never* located in their own communities.

"One should remember that the sightings of these children will normally *not* occur in the child's home locale," Rabun says. "Therefore, it is imperative that careful attention be given to the ability to receive information nationally and to professionally channel all of that information to the law enforcement agency having jurisdiction."

During last year's NBC television special on missing children, "Adam," a roll call of 51 abducted children was shown to viewers. Since the program aired last April 30, 18 of those children—35 percent—have been found. *Not one child was found in the state in which he or she was abducted.*

The gas industry's National Child Watch Campaign has two goals: to help locate, on a national level, missing children abducted by

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7585

strangers and to help reduce the number of abductions through increased public awareness, public education and the deterrent of potential abductors. Many A.G.A. members have already decided to become involved in the nationwide effort to locate missing children.

"The idea is . . . useful, necessary and a very creative addition to the other methodologies already being employed," Rabun says.

Initially, Child Watch will focus on locating criminally abducted children by advertising photos and information about missing children on bill inserts, counter cards and poster. Once the program is off the ground, the public education and community service functions will be implemented. A.G.A. will coordinate the Child Watch campaign at the national level, and work directly with the National Child Safety Council and the National Center for Missing and Exploited Children. The Association will act as a clearinghouse for the various programs enacted by A.G.A. member companies, and serve as a conduit in providing resource materials to member companies.

Photos of, information about, missing children will be selected and provided by the National Center, in cooperation with the Justice Department. On a monthly basis, the Center will provide A.G.A. with photographs and background information on two children who have been abducted by strangers. If specifically requested, the Center will offer a third photograph, along with background information, for distribution to companies that wish to campaign for a child missing from their service territory or state—if such photo is available.

Ann Gotlib and Michell Owens were selected by the Center as the first two children on which gas industry efforts will focus.

Thirteen-year-old Ann was reported missing on June 1, 1983. She disappeared that day from a shopping mall in Louisville, Ky., while traveling to her home. Her bicycle was found leaning against a brick pillar at the shopping mall. Fair-skinned and freckled, Ann speaks Russian and English fluently.

Mitchell Owens, 8 years old, is from Menlo Park, Calif. Reported missing on Feb. 3, 1983, Mitchell's identifying features are a scar on the upper part of his nose and a surgical scar on one of his left ribs.

The Center will work closely with A.G.A. and the Child Safety Council in the development of educational information and materials that could be used by companies in their educational efforts. In addition, the 90 safety counselors employed by the Child Safety Council, and at work in all states but Alaska and Hawaii, can assist companies with educational activities.

The Child Watch campaign was announced publicly at a national press conference held in Washington, D.C., in early April.

First Lady Nancy Reagan, who will serve as campaign honorary chairperson, praised the program in a letter released at the press conference. "I'm pleased to be part of the National Child Watch Campaign," she said. "The groups which are combining their efforts . . . are to be applauded. Each of us can join their nationwide campaign to find those children already missing and prevent others from being abducted."

Sen. Paula Hawkins (R-Fla.) said the campaign was a "breakthrough in efforts to solve the national nightmare of missing children."

A.G.A. President George H. Lawrence noted that local gas utilities in over 40 states serving about 30 million households already had signed up for the program, and

that he expected additional utilities to join the effort.

The ultimate success of the Child Watch campaign will be measured by the level of participation by A.G.A. member companies. Participation can range from the use of mail inserts with gas bills to in-school educational campaigns. For information on how you can help, call A.G.A.'s Wendy James or Steve Kussmann at 703/841-8668.

NATIONAL CHILD WATCH CAMPAIGN PARTICIPANTS

Company and City

[*Not member of A.G.A.]

Adams Electric Co-op., Inc.,* Gettysburg, PA.
Alabama Gas Corp., Birmingham, AL.
American General Life and Accident Insurance Co.,* Nashville, TN.
American Water Works Svc. Co.,* Belleville, IL.
Arkansas Western Gas Co., Fayetteville, AR.
Arkla, Inc., Shreveport, LA.
Atlanta Gas Light Co., Atlanta, GA.
Baltimore Gas & Electric Co., Baltimore, MD.
Bank of Boston,* Boston, MA.
Battle Creek Gas Co., Battle Creek, MI.
Baystate Gas Co., Brockton, MA.
The Berkshire Gas Co., Pittsfield, MA.
Boston Gas Co., Boston, MA.
The Brooklyn Union Gas Co., Brooklyn, NY.
Cascade Natural Gas Corp., Seattle, WA.
Central Florida Gas Corp., Winter Haven, FL.
Central Hudson Gas & Electric Corp., Poughkeepsie, NY.
Chesapeake Utilities Corp., Salisbury, MD, Dover, DE.
Citizens Gas & Coke Utility, Indianapolis, IN.
Citizens Gas Fuel Co., Adrian, MI.
Clearwater Power Co.,* Lewiston, ID.
Columbia Gas Distribution Cos. (Columbia Gas of Kentucky, Columbia Gas of Maryland, Columbia Gas of New York, Columbia Gas of Ohio, Columbia Gas of Pennsylvania, Columbia Gas of Virginia, and Columbia Gas of West Virginia), Columbus, OH.
Commonwealth Gas Co., South Borough, MA.
Concord Natural Gas Corp., Concord, NH.
Connecticut Natural Gas Corp., Hartford, CT.
Consolidated Edison Co. of New York, Inc., New York, NY.
Consumers Power Co.,* Jackson, MI.
Bill Danhausen* Gas Industries Magazine, Rosemount, IL.
The East Ohio Gas Co., Cleveland, OH.
Eastern Shore Gas Co.,* Ocean City, MD.
El Paso Natural Gas Co., El Paso, TX.
Elizabethtown Gas Co., Elizabeth, NJ.
Enstar Natural Gas Co., Anchorage, AK.
Entex, Inc., Houston, TX.
Equitable Gas Co., Pittsburgh, PA.
Essex County Gas Co., Amesbury, MA.
Fitchburg Gas & Electric Light Co., Fitchburg, MA.
Gainesville Gas Co., Gainesville, FL.
Gas Co. of New Mexico, Albuquerque, NM.
Great Falls Gas Co., Great Falls, MT.
Great River Gas Co., Keokuk, IA.
Greeley Gas Co., Denver, CO.
Hoosier Gas Corp., Vincennes, IN.
Hope Gas Inc., Clarksburg, WV.
Indiana Natural Gas Corp., Paoli, IN.
Inland Power and Light Co.,* Spokane, WA.
Jordan, Jones & Associates,* Sacramento, CA.

The Kansas Power & Light Co., Topeka, KS.
KN Energy, Inc., Hastings, NB.
Knoxville Utilities Board, Knoxville, TN.
KPL Gas Service, Kansas City, MO.
Lloyd Mansfield Co., Inc.,* Buffalo, NY.
Lone Star Gas Co., Dallas, TX.
Louisville Gas & Electric Co.,* Louisville, KY.
Louisiana Gas Service Co.,* Harvey, LA.
Michigan Gas Utilities Co., Monroe, MI.
Minnegasco, Minneapolis, MN.
Mississippi Valley Gas Co., Jackson, MS.
Montana-Dakota Utilities Co., Bismarck, ND.
Mountain Fuel Supply Co., Salt Lake City, UT.
Nashville Gas Co., Nashville, TN.
National Fuel Gas Corp., Buffalo, NY.
New England Electric Co.,* Westborough, MA.
Niagara Mohawk Power Corp., Syracuse, NY.
New Jersey Natural Gas Co., Wall, NJ.
North Carolina Natural Gas Corp., Fayetteville, NC.
North Central Public Service Co., St. Paul, MN.
North Penn Gas Company, Port Allegany, PA.
Northeast Utilities (West Mass. Electric Co. & Conn. Light & Power), Hartford, CT.
Northern Illinois Gas Co., Aurora, IL.
Northern Indiana Public Service Co., Hammond, IN.
Northern Utilities, Inc., Portland, ME.
Northwest Natural Gas Co., Portland, OR.
Northwest Orient Airlines,* Coral Gables, FL.
Ohio Gas Co., Bryan, OH.
Oklahoma Natural Gas Co., Tulsa, OK.
Omaha Public Power District,* Omaha, NB.
Oral Health Products, Inc.,* Tulsa, OK.
Oxford Natural Gas Co.,* Oxford, OH.
Pacific Gas and Electric Co., San Francisco, CA.
Pacific Resources, Inc., Honolulu, HI.
Pennsylvania Gas and Water Co., Wilkes-Barre, PA.
Peoples Electric Co-op.,* Ada, OK.
Peoples Energy Corp. (Peoples Gas Light & Coke Co. and North Shore Gas Co.), Chicago, IL.
Peoples Gas System, Inc., Tampa, FL.
Peoples Natural Gas Co., Council Bluffs, IA.
The Peoples Natural Gas Co., Pittsburgh, PA.
Peoples Natural Gas Company of South Carolina, Florence, SC.
Philadelphia Gas Works, Philadelphia, PA.
Piedmont Natural Gas Co., Inc., Charlotte, NC.
Potomac Electric Power Co.,* Washington, DC.
The Providence Gas Co., Providence, RI.
Public Service Electric & Gas Co., Newark, NJ.
Public Service Co. of Colorado, Denver, CO.
Public Service Co. of Indiana,* Plainfield, IN.
Public Service Co. of North Carolina, Inc., Gastonia, NC.
Public Service of New Hampshire,* Manchester, NH.
Roanoke Gas Co., Roanoke, VA.
San Diego Gas & Electric Co., San Diego, CA.
Southern California Gas Co., Los Angeles, CA.
Southern Gas Co.,* Sarasota, FL.
Southern Union Co., Dallas, TX.
Southwest Gas Corp., Las Vegas, NV.

S 7586

CONGRESSIONAL RECORD — SENATE

June 6, 1985

Suffolk Cty. Water Authority, Oakdale, NY.

Suffolk Gas Corp., Suffolk, VA.

Union Warren Savings Bank,* Boston, MA.

United Cities Gas Co., Nashville, TN.

Valley Cities Gas Service, Sayre, PA.

Valley Resources, Inc., Cumberland, RI.

Virginia Natural Gas, Norfolk, VA.

Washington Natural Gas Co., Seattle, WA.

West Ohio Gas Co., Lima, OH.

Western Kentucky Gas Co., Owensboro, KY.

Westmoreland, Larson & Hill (City of Duluth Water and Gas Department, Superior Water, Light and Power Co., and Inter-city Gas Corp.), Duluth, MN.

Westover Bank,* Westover, WV.

Wisconsin Fuel and Light Co., Wausau, WI.

Wisconsin Gas Co., Milwaukee, WI.

Wisconsin Power and Light Co., Madison, WI.

BRIGITTE GERNEY—A COURAGEOUS WOMAN

Mr. KENNEDY. Mr. President, all of America learned something about courage last week when a woman of immense faith endured 6 hours of entrapment beneath a 35-ton crane that brought her face to face with death. But life and courage prevailed in a drama that was witnessed by millions of Americans whose hearts and hopes went out to Brigitte Gerney.

Just as there likely can be no better mirror of genuine courage, there also can be no better example of how human beings, even in our Nation's largest and fastest-moving city, reach out to comfort and help one another in time of need.

New York City came to a standstill, clearing its highways, readying its medical facilities, and saying its prayers for a woman to whom tragedy in life was already no stranger.

Just as her individual courage and faith in God have carried her through illness and deaths of the past, those strengths prevailed again. This time, a nation watched and a nation prayed with her.

The policemen who comforted her, the rescue workers who freed her, the medical personnel who attended her—all men and women of courage and duty—were bound together as inextricably as men and women can be bound: By the courage of a woman who would not surrender, who would not lose faith.

From what we learned from Brigitte Gerney and from those who spent those hours with her, we are a better people. It must be the Nation's hope that the tragic lesson of her experience will remain burned in our collective conscience so we never forget the need to shepherd and care for our fellow human beings, be they on the streets of Manhattan, the Borough of Brooklyn, or the deserts of Africa. Brigitte Gerney taught us once again that, indeed, we are the world.

DON WILLEN, LEGISLATIVE FELLOW

Mr. HECHT. Mr. President, I want to take a few minutes to commend Don Willen, a "legislative fellow" from the Department of the Interior, for his fine work as a member of my staff for the last 5 months.

Don's professional background is in natural resources, and his expertise in this field has proven invaluable to me during the development of the Nevada Wilderness Act and in doing research on other natural resource and related budget issues. His advice and recommendations were always thorough and complete.

Certainly the most concrete accomplishment of Don's fellowship has been the Nevada Wilderness Act. As you know, Nevada was one of the last Western States to introduce wilderness legislation, and Don played a very significant role in drafting some of the technical provisions and the floor statement. He also assisted in doing some preliminary research work for amending the Geothermal Steam Act which I intend to introduce in the near future.

Don's expertise was also valuable in the handling of constituent requests and issues. We all know how important constituent service is, but it takes a special kind of person to really get the job done well, making the necessary phone calls and doing extra research. Don did an outstanding job to assure that responses were accurate and timely. In all these duties, Don will be a hard man to replace.

Lastly, I want to commend Don on recently completing 26 years of service as a Federal employee. All of us in Congress take a certain pride in knowing that we are performing a service for our country and Don is no exception. We are fortunate to have people like Don in the Federal Government. He is a true professional in every sense of the word, and I salute him for his 26 years of loyal, dedicated service. I also commend the Department of the Interior for making this program available to such outstanding employees like Don.

Although Don has shared his valuable and unique expertise in natural resources with my office, he will also take away a new knowledge of the complexities, and very often the frustrations, of enacting legislation. I am sorry to see him leave, but I wish him success in his continuing Federal service to our country.

THE HENRY LIU MURDER

Mr. DENTON. Mr. President, on October 15, 1984, Henry Liu, a U.S. citizen of Chinese descent, was murdered at his home in Daly City, CA, by two members of a Chinese criminal syndicate called the Chu-lien Gang, or Bamboo Union Gang.

Liu, a frequent critic of President Chiang Ching-Kuo, had written a biography critical of the president al-

though, by arrangement with Taiwan, some of the most critical portions had been deleted prior to publication.

Evidence subsequently developed by law enforcement authorities here and in Taiwan showed Henry Liu to be a paid agent of the Republic of China Intelligence Bureau as well as an agent of the intelligence service of the People's Republic of China.

Moreover, while Henry Liu was on both of these payrolls, he was, apparently without the knowledge of either agency, working for the Federal Bureau of Investigation as a paid informant. The FBI was at the time unaware of his other intelligence associations.

After the murder, law enforcement authorities in the Republic of China moved swiftly to apprehend the perpetrators, including Admiral Wong Hsi-ling, director of the defense intelligence Bureau, Maj. Gen. Hu Yi-min, his deputy, and Col. Chen Hu-men, deputy chief of the bureau's third department. With the exception of Tung Kui-sen, one of the murderers who is at present a fugitive from justice, all of the conspirators have been brought to justice after public trials and, importantly, all the convictions have been sustained after review by the appellate courts.

Mr. President, I would like to believe that fair minded people would conclude, after examining the facts in this case, that justice has been done. It seems, however, that this may not be so. Our colleagues in the House and some of our colleagues in this body seem determined to pass a resolution calling for the extradition of the convicted felons now incarcerated in Taiwan.

Mr. President, there is no extradition treaty between the United States and Taiwan, and therefore no basis for extradition. In fact, the act which the resolution demands of that government is contrary to its law.

Further, the State of California would not permit the trial in that State of those convicted in Taiwan for the identical offense, as this would constitute double jeopardy under California law. Theoretically under U.S. Federal law, a bank robber can be tried for the Federal crime of bank robbery even if convicted of the crime of bank robbery under State law. However, as a matter of policy, and I might add in my view quite properly, the Department of Justice does not seek to do so and such second prosecutions are not authorized. I do not believe it would be appropriate to change that policy in this case.

Mr. President, the June 5 issue of the Washington Times contains an editorial which I believe sums up the situation quite succinctly. I ask unanimous consent that it be placed in the RECORD following my remarks, and I urge my colleagues to read it.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7587

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE HENRY LIU MURDER

Here we go again. Following the murder in California of Henry Liu, a Chinese-American writer hostile to the government in Taipei, the wheels of Chinese justice began to turn—began to turn, it must be conceded, somewhat more speedily than is generally the case in this country.

Mr. Liu was shot dead in his home last Oct. 15. By April of this year two Chinese thugs, members of the infamous Chulien gang, had been convicted in Taiwan and sentenced to life imprisonment. Two weeks later, Vice Admiral Wang Hsi-ling, 58-year-old head of Taiwan government's Military Intelligence Bureau was convicted of instigating the crime. He likewise was sentenced to life imprisonment. Two of his deputies, accessories to the crime, were sentenced to 2½ years in prison.

But that is not the end of the story. The U.S. House of Representatives is now asking that these criminals be extradited to this country, and a similarly dumb resolution is expected to pass the Senate. All this despite the fact that (a) due process already has been exhausted and (b) the United States has no extradition treaty with the Republic of China.

It makes no sense. The State Department from the beginning has discounted the possibility that higher-ups in the Taiwan government were involved in the Liu killing. It also acknowledges that Taiwan authorities cooperated fully in the murder investigation. Most significant of all, the criminals have been brought to trial publicly, promptly, and in accordance with the law, and have been sentenced—three of them to terms of life behind bars. So why all the fuss?

In the People's Republic of China thousands perhaps hundreds of thousands, are imprisoned without due process. One entire province, Qinghai, is a virtual slave labor camp. The total number of deaths arising out of the political orgies to which Communist governments are so susceptible approaches 100 million. And not a peep out of Congress. If you get the feeling that all the hoopla over the Liu killing is largely ideological, move to the head of the class.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 1003, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 1003) to authorize appropriations for the Department of State, the United States Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes, for fiscal years 1986 and 1987.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut [Mr. Dodd] is now recognized.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that I may deliver a short introductory statement prior to commencement of the debate on the Dodd amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LUGAR. Mr. President, we begin today our consideration of the Foreign Relations Authorization Act for fiscal years 1986 and 1987. The bill authorizes appropriations for the State Department, the U.S. Information Agency, Radio Free Europe, Radio Liberty, and the National Endowment for Democracy.

We bring this bill to the floor in the same spirit with which we brought the foreign assistance bill before the Senate. It is, first, a spirit of bipartisanship; both the majority and the minority made compromises in order to bring to the floor a bill we jointly support. We may sometimes have different judgments about what our national security requires. But national security must not become an object of partisan passion.

It is, second, a spirit of fiscal restraint. Government must continue to eliminate the unnecessary and the extravagant. Agencies and departments must learn to do more with what they already have. They must become leaner, trimmer, and less bureaucratically cumbersome—they will be better for it.

It is, finally, a spirit of defense of national security. The agencies authorized in this bill do not procure weapons or train forces. But they formulate policy and explain it, gather information, promote democratic institutions, and secure American interests. It is naive to think that diplomacy is sufficient and that force and the threat of force are unnecessary. But the quiet and thoughtful management of our everyday affairs helps us to keep a peaceful world. Essentially, the bill before us authorizes appropriations for the conduct of our basic diplomatic relations.

Mr. President, S. 1003 was reported by the committee in the spirit I have discussed. Section 1 authorizes appropriations for the State Department. It does so in four categories: \$1,874 million in 1986 for the administration of Foreign Affairs; \$534 million for international organizations; \$26.2 million for international commissions; and \$355 million for several other activities, the chief of which is migration and refugee assistance.

In arriving at these figures the committee began from a simple premise: to start from 1985's original appropriation with the intention of freezing at this level unless there was strong justification for exceeding it.

The result of our deliberations is a budget for State Department activities that is \$108 million below the total 1985 appropriations, including supplementals. This total is also \$120 million below the level authorized by House bill 2068—including permanent authorities, even though the House total is described as a freeze by its managers.

The total we are recommending is, however, above 1985's original appropriations. The reason is simply that much of the supplemental appropriation voted after the tragedy in Lebanon to help secure our Embassies and the lives within them in fact involves recurring costs. These costs are now part of the base. We have identified these security costs and earmarked them in the bill. We thus have a total that provides the means for adequate security, at the same time that it allows our foreign relations to be conducted and our work in international organizations and refugee assistance to continue. Again—it is a total well below what the administration requested and what the House voted. But it is an amount adequate to our needs.

This bill contains a 2-year authorization. For the State Department for 1987, we authorized the same amount as in 1986. This results in a \$198 million cut from the administration's request and a figure \$209 million below the House's recommendation. We will consider a supplemental if it is necessary—but we will require clear and convincing evidence. By authorizing no 1987 increase the committee hopes to make clear that fiscal restraint cannot end in 1986, but must become a habit of good Government. A freeze in 1987 will send a clear signal that this Senate means what it says about long-term fiscal restraint.

It is particularly useful to point out that for the international organizations account, our 1987 figure is \$534 million, 11.5 percent below the administration's request and just \$14 million above the figure the House attained after an amendment mandating a 15 percent cut.

S. 1003 also authorizes—in sections 2 and 3—appropriations for the U.S. Information Agency and for the Board for International Broadcasting—the parent body for Radio Free Europe and Radio Liberty. We approached these budgets also in the spirit of economy: let us start with the 1985 appropriation and see if there is any reason to add to it. The result once more is a substantial cut from both the administration's request and the House's freeze level. The amount we are authorizing enables these agencies to help deliver news, explain American

S 7588

CONGRESSIONAL RECORD — SENATE

June 6, 1985

policy, and introduce others to the American way of life. It permits them to serve the cause of freedom by presenting the truth. But it does so within our fiscal limits.

For USIA, we added to the freeze level a small amount for an enhanced book program and a portion of the money necessary for Voice of America modernization. These are essentially capital expenditures, necessary if our country's voice is to be heard at all. In addition, following Senator PELL's 1982 amendment, we increased the exchange program—but, with his generous support, by only half of what would have been required. The overall result for USIA is a figure of \$835 million, 14-percent below the administration request of \$973 million, and 9-percent below the House figure. For 1987 we again froze at 1986 levels, with only one exception—a \$10 million increase to meet the Pell requirement, the \$845 million in our bill is 27-percent below the administration's request.

For Radio Free Europe and Radio Liberty we authorized \$137 million, \$5 million below the administration request. Again, we froze salaries and expenses, adding to this the funding required this year and next for modernization of transmitters. Without modernization the radios cannot be heard clearly, and if they cannot be heard clearly other expenses on them are unjustified.

Mr. President, S. 1003 also contains several other sections that are worth mentioning. It authorizes continued funding for the Asia Foundation and for the National Endowment for Democracy. It makes improvements in international narcotics control, in our refugee program, and in the training of our diplomats. It creates a framework for an undergraduate scholarship program. It is, I believe, a bill which authorizes a sound structure for the conduct of foreign affairs, in a fiscally prudent manner. It has the bipartisan support of our committee, and we urge its adoption by the full Senate.

Mr. President, the foreign relations authorization bill is an occasion to consider not only the management but also the direction of our foreign affairs. Before we begin the detailed discussion of other amendments to the bill we will turn to the various amendments on Nicaragua outlined, along with time limits, in the unanimous-consent agreement.

Mr. President, as Members know a unanimous-consent agreement has been entered into in order that full debate might occur on Nicaragua, and many Senators will want to address our foreign policy considerations with regard to that country.

Following those amendments, I understand that it is the intent of the leadership to proceed to discuss all other relevant amendments to the measure before us and to complete action today. I believe that all of us

welcome that challenge and that opportunity.

There are provisions for specific time allotted to the sponsors of amendments under the unanimous-consent agreement. I know that each sponsor of an amendment will want a full hearing, and each is entitled to a full hearing. This is important business, and the arguments should be made part of the Record.

For my part, I will attempt to limit debate on our side substantially, so that the time now allotted to the Nicaraguan debate might be curtailed. This will not be meant to demean anyone's amendment, but simply to push us toward completion of the entire authorization bill today.

Mr. President, I suggest that Members might wish to listen in their offices, if they are not on the floor, to the initial debate on the amendment that is to be offered by the distinguished Senator from Connecticut. He has been a careful student of the issues involved, as have Mr. KENNEDY, Mr. HART, and Mr. BIDEN.

In the event that any Senator should not wish to offer an amendment already provided for, I would like to have some notice—and I am certain that Senator PELL would join in this—of what we might expect, in order that we can schedule the affairs of the day and expedite business for all Members.

Mr. President, I ask my distinguished colleague, Senator PELL, if he has any opening thoughts, preliminary to the amendment to be offered by Senator DODD.

Mr. PELL. I thank the chairman.

Mr. President, today the Senate will begin its consideration of S. 1003, a bill authorizing appropriations for the Department of State, the U.S. Information Agency and the Board for International Broadcasting for fiscal years 1986 and 1987.

The total amounts authorized by this legislation are \$3.76 billion for fiscal year 1986 and \$3.77 billion for fiscal year 1987. These figures are over \$251 million below the administration's fiscal year 1986 request and \$311 million below the fiscal year 1987 request. Despite these substantial reductions, it is the belief of the committee that this bill will provide the U.S. foreign policy and information agencies with the resources necessary to carry out their diverse and important mandates.

The bulk of the funding authorized by this legislation—over \$2.7 billion in fiscal year 1986 and fiscal year 1987—is contained in title I. This money will be used to fund the operations of the State Department, pay the U.S. share of the assessed contributions to the United Nations and 43 other international organizations, finance the U.S. participation in 16 international boundary and fishery commissions, and pay for the U.S. Migration and Refugee Assistance Program.

S. 1003 also contains in titles II, III, and IV the funding for the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy. The committee mark for USIA in fiscal year 1986 is \$835.6 million, an increase of \$39.7 million over the fiscal year 1985 appropriation level but a decrease of \$138 million below the administration's fiscal year 1986 request. The committee approved most of the administration's request to modernize the badly outdated Voice of America facilities.

Earmarked in the bill for fiscal year 1986 is the USIA's Fulbright, Humphrey and International Visitor Programs. This earmark represents an increase of \$15 million over the fiscal year 1985 levels but falls short of the congressional mandate embodied in the 1983 Pell amendment, that these programs be doubled over the fiscal year 1982 levels by fiscal year 1986. However, the fiscal year 1987 request will meet the requirement of my amendment.

The Board for International Broadcasting authorization of \$137 million for fiscal year 1986 will fund the ongoing operations of Radio Free Europe and Radio Liberty as well as provide needed resources for modernization of the radios' facilities. This bill also includes an amendment I authored, to include the Secretary of State as a nonvoting ex-officio member of the B.I.B. This will ensure that U.S. foreign policy interests are a factor in the oversight of the radios as is envisioned by the Board for International Broadcasting Act.

Mr. President, in conclusion, I wish to join the chairman in pointing out that the committee has made a good faith bipartisan effort to reduce the budgets of these various agencies while providing them with the funding necessary to carry out their essential functions. Any further cuts could endanger programs considered essential to carry out U.S. foreign policy goals and to promote U.S. interests abroad. I hope my colleagues will keep this in mind in considering this legislation and support the bill as reported by the committee.

Mr. President, it is my understanding that we will now turn to the various amendments on Nicaragua.

Mr. LUGAR. Mr. President, I ask unanimous consent that Chip Andreae of my staff, and Mark Blitz, Bill Perry, Dave Keaney, Rick Messick, Barry Sklar, Bill Triplett, Peter Galbraith of the committee have the privilege of the floor throughout the duration of consideration of S. 1003.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 271

Mr. DODD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7589

The legislative clerk read as follows:

The Senator from Connecticut [Mr. Dodd] for himself, Mr. PELL, Mr. HARKIN, and Mr. KERRY, proposes an amendment numbered 271.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

PROTECTION OF UNITED STATES SECURITY
INTERESTS IN THE CENTRAL AMERICAN REGION

SEC. —. (a) The Congress finds and declares that a direct threat to the security interests of the United States in the Central American region would arise from several developments including, but not limited to, the following:

(1) The stationing, installation, or other deployment of nuclear weapons or the delivery systems for such weapons in the Central American region.

(2) The establishment of a foreign military base in the Central American region by the government of a Communist country.

(3) The introduction into the Central American region of any advanced offensive weapons system by the government of a Communist country if such system is more sophisticated than such systems currently in the region.

(b) If any development described in paragraphs (1) through (3) of subsection (a) arises, the Congress intends to act promptly, in accordance with the constitutional processes and treaty commitments of the United States, to protect and defend United States security interests in the Central American region and to approve the use of military force, if necessary, for that purpose.

(c) Notwithstanding any other provision of law, the prohibition contained in section 8066(a) of the Department of Defense Appropriation Act, 1985, as enacted by the Act of October 12, 1984 (Public Law 98-473), which applies to funds available during the fiscal year 1985 to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities shall apply to the same extent and in the same manner with respect to any such funds available during any fiscal year beginning on or after October 1, 1985. For purposes of the application of this subsection, the reference in such section 8066(a) to the fiscal year 1985 shall be deemed to be a reference to the fiscal year in which such funds are available.

(d) There are authorized to be appropriated to the President \$14,000,000 for the fiscal year 1985 to be available only to achieve—

(1) the safe and orderly withdrawal from Nicaragua of all military and paramilitary forces which were supported by the United States before October 12, 1984; and

(2) the relocation of such forces, including members of the immediate families of individuals serving in such forces.

(e)(1) There are authorized to be appropriated to the Secretary of State \$10,000,000 which shall be used only as may be necessary to assist the negotiations sponsored by the Contadora group and to support through peacekeeping and verification activities the implementation of any agreement reached pursuant to such negotiations.

(2) For purposes of paragraph (1), the term "Contadora group" refers to the governments of Colombia, Mexico, Panama, and Venezuela.

(f) Nothing in this Act shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this Act.

(g) For purposes of this Act—

(1) the term "Central American region" refers to the geographic region containing Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua; and

(2) the term "Communist country" has the same meaning as is given to it by section 620(f) of the Foreign Assistance Act of 1961.

Mr. DODD. Mr. President, at the outset, let me explain briefly to my colleagues the substance of this amendment.

This is an amendment I sent to all my colleagues a week or more ago; but, for the purpose of debate this morning, let me reiterate the five central features of this amendment.

The first section of the amendment is a finding by the U.S. Congress as to what would constitute a direct threat to the security interests of the United States and the Central American region. It is not all inclusive, as the amendment clearly points out, but serves as an illustrative example of the kinds of things which the United States would find to be directly contrary to our national security interests within this hemisphere.

I identify three examples of such things that could occur which would jeopardize those interests: The stationing or installation of nuclear weapons or nuclear weapon delivery systems within the Central American region; the establishment of a foreign Communist military base within the Central American region; the introduction by any Communist nation of any advanced weapons system which exceeds the level of sophistication of those weapons already in the region.

The second part of the amendment does not say specifically what the United States would do. It does not require that we take a specific action if any of those three or other such actions were to be taken by any country, including, of course, Nicaragua. But it does make quite clear that the United States, should those security interests be jeopardized, is prepared to use military force to deal with those very legitimate national security interests.

I emphasize again I am not saying specifically exactly what all of the situations are that would provoke military response or even in fact that a military response would be the only response. I am merely trying to lay out as clearly as possible what those security interests are in the region and then also, of course to state unequivocally what the United States would be prepared to do, including the use of military force to protect its very legitimate interests within the region.

The third part of the bill gets to the matter at hand and that is, of course, the issue of continued funding for the Contra operation.

The third part of this legislation prohibits any additional funding for military or paramilitary activities within the region.

My colleagues will recognize this section as being a continuation of the so-called Boland provisions and this part of the legislation continues the Boland language in force.

The fourth part of the legislation provides an appropriation of \$14 million for fiscal year 1985 to be made available solely for the safe and orderly withdrawal of all U.S.-supported military and paramilitary forces from Nicaragua and the relocation of those forces, including members of their immediate families.

This is the funding that would provide for the assistance to the Contras and to their families to disengage. These are not funds to be provided to continue the activities of the Contra operation, but to disengage entirely from that policy.

The fifth provision of the amendment authorizes to be appropriated a sum of \$10 million to assist the Contadora negotiations and to support through peacekeeping and verification the implementation of any agreement that would be reached pursuant to those negotiations.

There is an additional section of which I should make note to my colleagues because I am sure they are apt to raise the question, and that is a war powers provision. There are some who are uneasy about the fact that I said I am willing to use military force in terms of national security interests emerging in the region, but to those who may be uneasy about that kind of language, I included a provision which would cover the language of war power provisions.

Mr. President, that is the sum and substance of the amendment. It is a departure from what will be the debate throughout the rest of this day. It will be a departure from what was debated in the other body where basically we are going to have an argument or a debate, if you will, over a funding level to be continued over this fiscal year and into the next to continue to support the Contra operation.

I believe, Mr. President, that policy is fundamentally flawed and that the issue is not whether or not we are willing to provide an additional \$14 million or \$35 million or \$36 million or \$27 million, to the Contras. The issue is not who is going to deliver this assistance, whether it is the CIA or AID or the United Nations or the Red Cross. The issue is not who is going to receive that aid, whether it is the Contras, or some independent third party in the region. The issue is not where those resources will be delivered, whether it is in Honduras or in Nicaragua, and that is basically what the debate will be.

The issue is not going to be, in my mind, whether it should be humanitarian or lethal or nonlethal.

S 7590

CONGRESSIONAL RECORD — SENATE

June 6, 1985

Those are all questions which we will spend the greater part of today, possibly tomorrow, debating here.

Frankly, that is not the issue. And we make a mistake if we assume that is the debate.

The debate ought to be whether or not this particular decision, this decision to support the Contras, the Contra policy, is that in the interests of the United States? Is a continuation of support of that counterrevolutionary effort in the interest of the foreign policy concerns of this country? That is the fundamental question and, unfortunately, we are not going to debate the fundamental question.

Instead, we are going to do what I think President Reagan has accurately described and that is, micromanagement of foreign policy. We are going to spend the next 8 or 10 hours arguing over the nuts and the bolts of a particular policy rather than the fundamental question of whether or not over the last 4 or 5 years our interests have been advanced or harmed by this policy, whether or not there is any likelihood of the next several years this policy is likely to bear the kind of fruit that those who support it suggest.

We will have discussions and debates today over whether or not nonlethal aid means jeeps or trucks, what constitutes clothing: are fatigues clothing or not clothing? We will argue over what shelter is. Is a shelter a field tent or is it a permanent tent? That is the kind of debate we are going to have, unfortunately.

We are missing the fundamental issue, and the fundamental issue is whether or not this policy is working, whether or not it is in our interests.

For the last several years, Mr. President, we have heard people on the so-called right call the Contras, the political equivalent of Jeffersonian Democrats, political equivalent of our Founding Fathers, all sorts of similar language to describe them. And on the so-called left, we have heard people describe the Sandinistas as the reincarnation of the Franciscan Order, who say that these are pure highly moral, ethical individuals who are only concerned about the welfare of their people. And the debate has been whether or not you support the Contras or the Sandinistas.

We have spent precious little time, it seems to me, talking about what is in the interests of our country.

I am concerned as I know my colleagues are about what happens in Nicaragua. I am concerned, as I know my colleagues are, about what happens in El Salvador, Guatemala, Honduras, Costa Rica, and every other country throughout Latin America.

But my interests in those particular countries are superseded by my interests in what is important to this country, what is in the interests of the United States.

And it seems to me at some point in this debate we ought to get back on

track and start talking about what is in our interests, not in the Contras' interests, not in the Sandinistas' interests, not in the Salvadorans' interests, or anyone else's interests but what is in our interests. I do not believe we have done that.

So today, Mr. President, I offered this amendment. I should have said at the outset I have no illusions about it. I do not expect there will be a great many votes in support of this amendment. I am tremendously grateful to my colleague from Rhode Island, the ranking minority Member of the Foreign Relations Committee, Senator PELL, Senator HARKIN, and Senator KERRY for cosponsoring this amendment. But I think all of us recognize that we are taking a position that is somewhat different from what our colleagues will be engaged in debating over the remainder of today.

Mr. President, I hope in the next few minutes to be able to demonstrate why I think this policy is ill-founded, why I think it is dangerous, why I think it is harmful, not only to ourselves and to our allies, but also that it is a cruel hoax on the Contras themselves.

I believe continued support of this policy will be a mistake. I think the sooner we say this to ourselves and to our allies, the better off we will be.

I know there are those who have already suggested that it is too late, that over the past 4 years, we have expended some \$100 million to \$150 million of U.S. taxpayer money, we have seen people lose their lives in this policy, and that we cannot now go back.

I realize that that is a compelling argument to some. But I would certainly hope that people would recognize that as difficult a choice as that may be, in June 1985, it does not get any easier. Tomorrow it will be tougher. In 6 months, it will be tougher. A year from now, it gets tougher. And I am sure as I stand here before you today, we will hear that argument.

We are committed. We spent the money. We are involved. We cannot change that policy. We cannot pull back.

No matter how well-founded that policy may be, we will march on the road of folly. We will proceed and continue to pursue a policy despite the fact that no one seems to see it contributing to our long-term interests in the region.

Mr. President, I kind of wish that the alternative to what I am offering here today would be offered. But as I look down the list of amendments, it appears as though it will not be offered.

It seems to me there are two choices. If the Contra policy is working, which, as I stated already, I do not believe it is, but for those who think it is, that this is having a profound effect on Nicaraguan behavior, it seems to me we ought to have the courage here to give it the kind of support it deserves if it is working.

Instead of talking about humanitarian, nonlethal aid to be delivered by some nonthreatening body to some neutral place, why do we not talk about giving the Contras real assistance? I regret there is not an amendment going to be offered today that says, "Look, if the Contras need \$114 million a day, they ought to get it. And if they need military assistance, they ought to get it."

I disagree with that viewpoint, but, I would say to my colleagues this morning, I have a great deal of respect for those who argue that position. That is a credible policy. That policy at least suggests that they might succeed at some point in bringing about the kind of change that is suggested by President Reagan and others.

But to talk about nonlethal humanitarian Band-Aids and Jeeps to be delivered in some place no one knows about by some third party over the next 2 or 3 years, that is nothing. All that does guarantee us that we can go back home in the next couple of days and say to that constituency in one part of our State that is opposed to the Contra aid, "We only gave them nonthreatening assistance." And to that part of the constituency that thinks supporting the Contras is a great idea, we can say, "We provided assistance to the Contras."

What we are going to be doing here today is satisfying a domestic political problem. We are not advancing foreign policy interests of the United States at all. It will be argued that we are buying time by supporting this approach. I would argue that we are losing time; that if we continue to pursue a policy that is not working, as I said a moment ago, we jeopardize not only our own interests and our allies' interests, but the interest of peace and stability in this part of the world.

So this is one of the options; the viable options, to decide that what we are doing has not worked, to admit it to ourselves, and to start traveling on a different road as soon as possible.

I have tried to offer in this amendment at least some constructive alternatives. It is regrettable that the Contradora process has become a cliché, that four good, strong allies of ours in this hemisphere, who tried desperately over the past 4 years to formulate an alternative to the kind of carnage that we have seen in El Salvador and throughout this region over the past several decades, are being relegated to snickering in some corners, of being naive, of being foolish, of being a waste of time.

I do not think I can adequately today—I am not talented enough—describe to my colleagues how the good friends of ours in Latin America feel about us, how disappointed they are over the fact that we have relegated their honest good-faith proposal to something of an annoyance. And that is what they think we think of them. That is what the Mexicans, Colombi-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7591

ans, Venezuelans, and Panamanians think—people in strong democracies, not mirror images of our democracy but people struggling to improve the quality of life for their own people, not perfect governments but, God knows, far better than what we have seen in the Cubas and the Chiles and the juntas of Argentina. And they think that we do not think they understand. They think that we think that they do not really care. And, unfortunately, that policy is being relegated to a trash heap by the failure of this Government, our country, both the Congress and the administration—I do not lay all the blame at the doorstep of the White House—but unfortunately it is being relegated to the trash heap because we fail to appreciate the historical significance of this effort.

For those who have bothered to read any history of Central America prior to 1979—and, unfortunately, there are very few who have, but for those who have—this is an historic opportunity, the Contadora process. Never before in this hemisphere have four countries been willing to step out and to offer to take the leadership role in trying to resolve Latin problems—Latins grappling with Latin problems. For the first time, they tried to do this. And, as I said a moment ago, we have relegated it to certain failure.

Third, Mr. President, I hope that we might spend some time trying to lend our support to those people inside Nicaragua who are not fighting but who oppose the Sandinista Government. They have been virtually forgotten over the last several years, people like William Baez, in the private sector, people within the Catholic Church, people within the opposition political parties, people within the media, who are not in the mountains, who are not fighting in the hills with military hardware, but are trying to bring about some change within that country. It seems to me we ought to be doing more for them.

And, fourth, we ought to provide some real meaningful assistance in terms of economic development in the region. I am pleased to have supported an amendment that was offered a few weeks ago that provided for some long-term assistance, economic assistance, to the region. I think that kind of signal is extremely important.

So, Mr. President, what I am offering here, as I said at the outset, is what I would consider at least an honest alternative to pursuing the present policy, recognizing that what we have been engaged in over the past 4 years has failed economically, politically, as well as militarily.

I might also add that it is kind of a cruel hoax, as I said earlier, on the Contras themselves. Some people within that operation are former Somoza national guard figures. Not all of them are. A lot of them are very well-intentioned people who feel as though their rights have been signifi-

cantly harmed by the Sandinistas. They are good people. And we are going to turn them into cannon fodder. We are going to march them into that valley because they believe that we are going to stand behind them and come in with U.S. forces to back them up when the Nicaraguans chew them up. And there is not a person in this Chamber who believes we are going to do that. Yet that is what we are telling the Contras that we are going to do. That is a cruel hoax to play on those people, yet we are engaged in it.

It has been hard to identify exactly what this administration's foreign policy is with regard to Nicaragua and Central America. There have been different messages over the last 4 years. But, in fairness to them—and I will wait and see if anyone would fundamentally contradict what I am about to say, because, I tried to synthesize it as I understand it over the last several days—it seems to me, with regard to Nicaragua, the Reagan administration's foreign policy objectives have been: To encourage the Nicaraguans to reduce the military buildup in their country, to discourage them from expanding their revolution beyond the borders of their own country, to discredit them internationally within the region and, last, to encourage them to institute some democratic reforms and live up to the ideals that they espoused prior to their success in 1979 in the overthrow of the Somoza government. That was, at least it seems to me, to be the broad framework of this administration's foreign policy, objectives when we started the Contra operation some 4 years ago.

We have expended as I mentioned—which is public information now—some \$100 million to \$150 million on this operation, and yet as I look at Nicaragua today, more than 4 years after this operation has begun, we find the Nicaraguan military machine a lot stronger in May of 1985 than it ever was in January of 1981 and getting stronger. We find democratic reforms inside Nicaragua in worse shape today than they were in January of 1981, and we see people like Daniel Ortega being received as a conquering hero in the capitals of Western Europe and throughout this hemisphere.

It seems to me that the goals, if I am at least close in approximating what the goals were of this administration, have not only not been achieved nor have we come close to achieving them, but in fact it is the goals, it would appear, of the Sandinistas that have been advanced. They are better off militarily. They are doing what they want inside their own country, and they are now perceived as heroes throughout this hemisphere. If that has been our goal, if that is what our foreign policy interests have been over the last 3 or 4 years, and if we are not succeeding—in fact losing that battle—why do we insist upon pursuing a policy that would seem to have the ab-

solute opposite effect on what we are trying to achieve? If it is not working, why do we not have the courage and the honesty to try something else? Why do we insist upon pursuing a policy that is hurting us and dividing us from our allies?

The President imposed an embargo a few weeks ago. We had to break a Honduran arm to find one country to support us, and in a nothing gesture with an embargo that meant nothing. We had to use all of the diplomatic influence of the President of the United States to bring the President of Honduras up to this country, and to get on a bended knee to beg him to support our embargo—one country.

We are losing the war with our allies. Do we really want to be isolated with our Western European allies, and with our Latin American allies? If we are isolated today, does it get better or worse if we pursue this policy? I suggest of course the latter.

So while I recognize this is not an amendment that is going to enjoy broad-based support I hope it will be perceived at least as a choice we will ultimately have to make. I tell you that as certainly as I stand here today. I promise you that within a matter of weeks or months we will be back here making this choice. We will have to make the choice of whether to really go in and do something, including the use of military force, or make the choice that will not only be a tough one but also a harmful one when it comes later—the choice of saying it is not working, and we are going to pull back. It is hard enough to do that now. There is a certain amount of credibility lost as a result of doing it. I will be the first one to admit that. But it gets tougher, and the loss of credibility grows larger with time, not less. So if we are honest with ourselves, honest with our constituents, and honest with our allies, it seems to me we would have the courage to make that choice today. Let us either go in and give these Contras the kind of support that they are going to need to have if they are going to prevail, or let us travel down a different road.

I suggest by the way that there is little or no likelihood that the Sandinistas are going to change fundamentally. There may be some cosmetic changes. In fact, I was surprised that some Democrats were surprised that Daniel Ortega went to Moscow: Where do my colleagues think he was going to go? Disney World?

This man is a Marxist. We should not argue about that. He is a Marxist. We know that. But it is disingenuous, I believe, for those who argue that there is no way that this government is going to fundamentally change, and yet argue that, if we provide a little more money to the Contras, maybe we can get them to change or come to a negotiating table. The only way the Sandinistas are going to change to such a degree that this administration

S 7592

CONGRESSIONAL RECORD — SENATE

June 6, 1985

will be satisfied is if the Sandinistas are overthrown. That is the only change that is going to achieve the satisfaction of those who believe that the Sandinistas are a fundamental threat to the U.S. security interests and security interests of allies in the region. That is the only option. We are not going to get them to change otherwise. We are naive if you believe so.

So I say once again the options are either to go in and get rid of them and support actions that are likely to achieve that goal, or to seek a different path that at least may identify the real interests of the United States, to make it clear that we are prepared to defend those interests and to try to build some consensus in our allies among the regions in Western Europe so the actions we do take down the road with regard to Nicaragua may enjoy some broad-based support, and to try if we can through this Contradora process, as troublesome as it is, to come up with some answer for this part of the world that will bring long-term stability and hope for these people. We ought to get about the business of trying to do that.

What I said does not fit on a bumper sticker unfortunately. It seems to me that is the kind of foreign policy that works today. If it does not fit on a bumper sticker and you cannot say it in one sentence, do not bother bringing it up.

But I hope at least at some point before it is too late, and before we find ourselves drawn into this situation even deeper than we already are that we would listen to good friends. We should not see this as an issue of support for Marxism or nonsupport for Marxism, but as intelligent choices for the United States. I commend the President because he has made them in other places. I know it was not easy for him because of his deep-felt views about Marxism. I know he did not like raising a glass with Deng Xiaoping. I know how President Reagan has felt about him. But he did it. I know when he lifted the sanctions on Poland it was not because he thought General Jaruzelski was a great advocate of human rights or that Solidarity was no longer a problem. He made a pragmatic decision and choice. He is sitting down today with our negotiators in Geneva trying to work out a SALT or START agreement, a reduction in the proliferation of nuclear weapons.

That is not because he likes the Russians, or he likes the People's Republic of China, or that he likes the Polish Government. But he understands that you have to live in this world, you have to grapple with the problems, and you try to do it intelligently to advance our interests.

All I am suggesting today is we do here what we try to do elsewhere, that we try to look at this situation with the same kind of cold eye, the objective eye of reducing the kind of tensions and troubles that we face if we proceed in this policy.

One last point I meant to make, Mr. President, and then I will yield the floor on this. I tell my colleagues today that I am deeply concerned and worried about the immediate expansion of this conflict. By the way, the news this morning that the Nicaraguans have shot down two additional helicopters is tremendously disturbing. Those helicopters went down apparently in Honduras. I can see the situation occurring very shortly where the Nicaraguans will cross that Honduran border, or they will cross that Costa Rican border and they will use the very same argument that Israel used in June of 1982 when it went into southern Lebanon—that no self-respecting nation would tolerate the existence of terrorist groups, terrorizing its people, and that they will go across that border to ferret out those pockets of terrorism. They will not stay there forever, they will tell us, but they will cross that border, and we will get that kind of provocative action. I guarantee you that the Hondurans will then call upon the United States to come in to defend their interests. Then we will have a kind of catch-22 situation. I hope that does not happen but I can see that coming. We seem to be getting closer and closer to it.

I suggest to you that despite all of the treaties that we have signed that would call upon the United States to go in to defend Hondurans or Costa Rica in that situation, that in the world court of public opinion Nicaragua would probably look like they were doing the right thing. I suspect in this country there would be a strong feeling that for us to go down to engage in a conflict with Nicaragua in that kind of a situation would not be the "right thing to do."

I see that happening. I suggest to you that if it happens it will be because we pursued a contra policy that is not getting us anywhere and that is drawing us into that kind of decision, which I suspect would do serious damage to the credibility of this country, not only in this hemisphere but throughout the globe.

Mr. President, I reserve the balance of my time at this point.

Mr. LUGAR. Mr. President, I would like to begin our side of the debate that we will have today on Nicaragua and the Contras, with an opening statement and then to address specific points which have been raised by the Senator from Connecticut.

We find ourselves, again today, debating the question of providing assistance to the armed opposition in Nicaragua. The Congress has been doing this at frequent intervals for some years now—with little to show for it in terms of contributing to the forging of effective policy. The reason for this interminable, inconclusive exercise is that we have lacked—up to the present time—bipartisan consensus in support of a coherent administration policy. We have not been able to agree on the nature of the threat to Central

America presented by the Managua regime nor on the means by which it should be confronted. Thus, we have been unable to decide what, if any, role our support of the opposition in Nicaragua ought to play in a comprehensive strategy to address the problem.

Only a strategic consensus of this nature will allow us to make the firm and binding commitments necessary for effective policy. The American body-politic is now, finally, coming to such a consensus. The amendment that will later be introduced by Senator NUNN and myself expresses this agreement and prescribes a responsible and effective way in which our support of those elements resisting the Marxist authorities in Managua can contribute to resolving both the Nicaraguan question and the challenge that it poses to our Central American policy as a whole. And I am afraid that the amendment offered by the distinguished Senator from Connecticut does not meet these criteria.

Over the past 4 years, our Central American policy has come a long way toward producing the positive results for which we all hoped. These objectives, simply stated, are stable development, peace and democracy in this troubled region. At present, the evolving situation in Nicaragua presents the single greatest remaining obstacle to achievement of these goals.

At this point it behooves us to review the record. There were clear efforts to treat normally, and even generously, with the authorities in Managua during 1979 and 1980. And the current administration, although increasingly suspicious of the ominous trends already clearly evident in Sandinista policy, attempted to come to a purely diplomatic *modus vivendi* with the Nicaraguan Government through most of 1981. The members of the revolutionary directorate proved obdurate, however, in their pursuit of policies aimed at institutionalizing Marxist dictatorship, subverting its neighbors, building up excessive military capabilities and forging close ties with Cuba, the Soviet bloc and the whole spectrum of terrorist organizations.

As a result, the United States began channeling assistance to armed opposition elements as a means to blunt Sandinista subversion of its neighbors, impede consolidation of a Marxist regime and provide an incentive to meaningful negotiations. This approach became increasingly controversial in a Congress that was slow to recognize the basic nature of the Nicaragua Government or to accept the need for dealing with it in these terms. Such assistance has thus been held in abeyance for more than a year now as the Congress and the administration wrestled over policy.

And what have been the results? The Managua authorities have continued along their clear course toward the institutionalization of a Marxist-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7593

totalitarian state. They have persisted in subverting and threatening their neighbors. They have escalated their arms buildup. And they have woven their ties ever tighter with the Communist powers and the international terrorist network. At the same time, the conduct of the commandantes has produced steadily growing disenchantment among the population. The opposition to the regime—both armed and unarmed—has assumed an increasingly broad-based character and now evidences the clear intention of compelling the Sandinista leadership to honor the public commitments of the revolution to democracy, peace with its neighbors, and an autonomous foreign policy.

I, for one, have seen enough of the Sandinistas to understand the nature of this regime today and the objectives which it entertains for the future. I have also come to the firm conclusion that only a change in its fundamental structure will secure the modification of its domestic and foreign policies necessary to preserve U.S. interests and those of our regional allies as well. This, in turn, will require the participation of the Nicaraguan opposition in the future political life of that nation.

The resistance has already put forth a reasonable plan for their incorporation into the political structure of Nicaragua. And the Sandinista government has thus far refused even to consider discussion of such a process—a process which I believe to be indispensable to the achievement of peace within Nicaragua and good relations between that nation and its neighbors.

But to entertain any hopes for a development of this kind we must forthrightly support the opposition. We should not be embarrassed to support forces struggling against Marxism and for the establishment of democracy in Central America. Indeed, brave individuals of this nature deserve our support. Assistance to these groups also serves U.S. interests—another consideration for which we have no reason to apologize. The armed opposition has impeded full consolidation of a Marxist government in the area and obstructed its efforts to subvert its neighbors. The existence of these groups provides the Managua authorities with their only realistic incentive to negotiate. And finally, aid to the Nicaraguan opposition sends a powerful signal of U.S. resolve to this country's allies in the region and to those in Nicaragua who are inclined to resist the consolidation of Marxist tyranny.

Prudent U.S. assistance to the democratic forces of Nicaragua and negotiations are not mutually exclusive—as some contend—but rather indispensably complementary. In the real world—and particularly with Marxists—negotiations take place only between elements with real resources behind them. The Nunn-Lugar amendment that will later be introduced supports the Contadora process and any bilateral negotiations between the

United States and Nicaragua that could have productive results. But the basic negotiations that matter are between Nicaraguans themselves. There will not be peace in Nicaragua if we continue to deny even humanitarian assistance to the Contras. And there will not be stability in Central America until there is real representation of democratic elements in the political structure of Nicaragua.

This amendment of Senator NUNN and I can resolve the impasse that has afflicted our Nicaraguan policy and forge a realistic consensus that both Houses of Congress, the administration and the American people can support. It is not enough to desire or advocate democracy, negotiations, and peace in Central America. Given the importance of the region and the other forces at work there, we must be involved if our ideals are ultimately to prevail. We must demonstrate a way to construct a framework of incentives which, while encouraging negotiations, does not simply acquiesce to the aggressive and antidemocratic instincts of the Marxists.

We must have a reasonable policy—but one with substance behind it. And we must have the resolve to stand firmly behind this policy over time. The amendment before us does not meet these criteria. Our amendment, which will be offered at a later stage in the debate, does so and will succeed in forging effective policy from the consensus which I now believe finally exists with respect to Nicaragua. The amendment of Senator NUNN and I can mark a significant step toward realization of the hopes for the future of Central America that I believe all Americans share. And I earnestly urge my colleagues in this body to give it the commanding majority that will clearly demonstrate the bipartisan consensus that we have finally come to on this vitally important issue.

Let me say in respect to the amendment offered by my distinguished colleague from Connecticut, that he has presented, a departure from most analyses of the situation in Nicaragua and, for that matter, most solutions to the problems that we face with that nation. Indeed, Senator Dodd has called for withdrawal of our support for the Contras and withdrawal, for that matter, of the Contras from Nicaragua—a separation, in essence.

I think in fairness to the distinguished Senator from Connecticut that his amendment needs to be recognized as one which suggests that, as opposed to support of a military character, humanitarian character, or any other kind of character, he sees the issue of one as to whether we ought to be involved with the Contras—opposition forces, the freedom fighters—at all.

He has suggested that an honest opposing policy would be one that asks the Contras what they need and then the administration ought to provide those resources. In my judgment, the

amendment had a second major aspect that is intriguing and certainly arguable, because it suggests that the only real problem is the possibility of Soviet presence there. Senator Dodd has been forthright in his opposition to the landing of high-powered or high-tech Soviet aircraft or other munitions there and suggests that that is the real threat and one that ought to be met overtly. I suspect that a large number of Senators share his anxiety and suspicion that, in the event that such a thing occurred, we would be united in opposing it.

I think that the dilemma that many of us will find in the Senator's amendment is that it really offers us no way, in my judgment, to move toward negotiations. The incentives that are implied in Contra pressure upon the Sandinista government are removed. In a way—in a humanitarian way—the Contras are withdrawn. The money is used to try to take care of their needs as that situation is wound down. But for anybody looking for a reason why the Government of Nicaragua would negotiate, it would be hard to find at this point.

One of the intriguing things about the Dodd amendment is that he suggests that the only way the Sandinistas might change is if they are overthrown. I gather he is arguing that this Marxist regime, which he has characterized as Marxist—and suggested that those who had not seen that really should have. Mr. Ortega is a Marxist and has been, and is, espousing Marxism. But Senator Dodd is suggesting also that Marxists do not change and that they do not negotiate. If we are even looking at the Contadora process for some possibility of ameliorating that rather harsh regime, bringing in political parties, freedom of the press, democratic institutions, we are likely to find that a forlorn hope, suggesting that those who really value democracy in Nicaragua—and I characterize myself as one of these—had better be prepared to overthrow that government.

Senator Dodd suggests that it is a Marxist government, is going to remain a Marxist government, and that the only way you change it is to supplant it. Senator Dodd is suggesting as a point of analysis that honestly, you really ought to give those who would supplant it the tools to do that, really have a civil war of sorts, and finally hope that your side prevails.

That, I think, is a breathtaking conclusion. Senator Dodd's analysis of the regime may ultimately prove to be correct. There may be many people on the right and the left of the political spectrum who would agree that Marxists never change. They would hold that the regime of the Sandinistas is beyond negotiation, that despite all the protestations that they have had elections, that La Prensa still prints even with heavy censorship, it really is not a collectivized, thoroughgoing

S 7594

CONGRESSIONAL RECORD — SENATE

June 6, 1985

totalitarian Marxist system, but rather a Nicaraguan variety of that that is less thoroughgoing. And if, in fact, the Ortega regime will never negotiate with anyone, we have a very bleak prospect ahead of us in Nicaragua.

Even if that were the case, I would not favor the Dodd approach of simply pulling out all the support behind the freedom fighters. Nicaraguans who were part of the Sandinista revolution have every right and claim to political participation as the result of its success. I think when we talk about the Contras—and persons may come to many different characterizations of the various groups and strains that comprise them—there is in this opposition, in the freedom fighter group, a good bit of the original revolution that overthrew Somoza. In my judgment, the better elements remain—those who favor plurality political parties, freedom of speech, democratic institutions. As I indicated in my opening statement, we ought to have no apology for being in favor of those who want to bring about democratic institutions. We ought to be opposed, it seems to me, to a policy that would clearly say Nicaragua is Marxist and let us leave it alone, let us withdraw any irritants to their position. If the Marxists bring in the Soviet Union, let us strike hard and fast, but barring that, leave the Marxists to do their will.

The dilemma of this, I think, is clear. And this is the idea of "a revolution without borders" has meant just that—subversion of the neighbors—a very unhappy relationship, at least, with everybody in Central America who genuinely wants economic reform and lives in threat that bridges are going to be blown up and roads damaged and all the rest as subversive groups throughout the area are aided by the Sandinista government in Nicaragua and by the flow of goods and services through Cuba and from the Soviet Union, Eastern Europe, North Korea, and the almost United Nations group that has formed in Nicaragua to be a part of this experience.

I am hopeful that the Senate will reject the Dodd amendment because it appears to me to offer no momentum for the change that needs to happen. It clearly offers no bipartisan consensus for a policy that will stir Americans, might explain the situation to Americans or, indeed, offer us any real point of departure.

Ultimately, it is literally an appropriation or an authorization, at least at this stage, of money for withdrawal. It is literally money down the drain. I hope that this is clear to Members.

I add just one more thought because I suspect this strain will come through some of the rest of our debate. I noted yesterday as rhetoric moved into higher and higher levels in the House of Representatives that Speaker O'NEILL commented that down deep, the reason he opposes assistance of

any kind to the Contras is that he believes literally that we are headed toward a war involving American troops. He sees that absolutely clearly down the trail. Therefore, he opposes assistance to the Contras because he believes in his heart that that is likely to bring that about. I respect the Speaker's analysis of this, but I respectfully suggest to him and likewise to the distinguished Senator from Connecticut that, in the event that we have nothing going for democracy in Nicaragua, we do not have people who are Nicaraguans working to obtain their freedom, working to try to keep the neighborhood from being subverted by the Sandinista government, working to keep pressure on so that the Soviets and other unwelcome influences know that they are not welcome.

If in fact we wash our hands of the Contras, offer no aid or, as in the case of the Dodd amendment, aid only for withdrawal, then we really do face a situation in which the Sandinista government will not go away and in which the problems that are a part of present circumstances remain and in which, in my judgment, the dangers to our country remain. That is not to imply that we will want to act upon that for any foreseeable time in the future. Perhaps we will simply tell our friends in Central America that we are sorry that their governments are being subverted and as revolutions occur and as emigration occurs and as many, many refugees, almost like a Vietnam boat people scenario, come to the United States, we will indicate that we are sorry all this is occurring.

But anyone who believes that simply by withdrawal, sort of an antispetic move at this point, and with the threat to the Soviets that if they land, we will do something, I think is an incorrect analysis, and that is what the debate on the Dodd amendment boils down to in my judgment.

Mr. President, I yield to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I am not going to debate the amendment, but I did want to indicate that I have had inquiries from a number of my colleagues about the schedule for the remainder of the day and week. As I indicated last evening, much depends on what happens to the bill before us today. If we can complete action on this bill today, we could turn to some matters tomorrow that are not controversial and probably would not require rollcall votes.

I would suggest that if Members have any desire to leave tomorrow, they can demonstrate that by speaking briefly today. We cannot have it both ways, but we will try to accommodate those—and there are a number of them—Members on each side who have official commitments tomorrow.

So we hope we can complete action on this bill and accommodate as many

Members as we can by not having rollcall votes tomorrow, even though we will be in session and we will have legislation.

Mr. HART. Mr. President, I wonder if the Senator from Indiana will yield for a question.

Mr. LUGAR. Yes, I am happy to yield for a question.

Mr. HART. I thank the Senator. My question, Mr. President, is asked in ultimate good faith and not knowing the answer. It is not a rhetorical question.

What does the distinguished chairman of the Foreign Relations Committee think is the long-term purpose of continued nonmilitary or humanitarian assistance to the Contras? In other words, where does it lead? Where do the supporters of that position hope this situation would be in 5 years as a result of this continued nonmilitary support?

Mr. LUGAR. This Senator would hope that the assistance which may be authorized today by the Senate would lead toward negotiations—specifically negotiations among Nicaraguans, which are the most preferable kinds. Also, it would encourage the Contadora process, and even a recognition that direct negotiation between the U.S. Government and Nicaragua will be preferable to no negotiations and no progress.

It seems to me that through the humanitarian assistance route, but also the sharing of intelligence, sharing of political information—various supports that are provided in the Nunn-Lugar amendment—there is at least a holding in place of the strength of the Contra forces. Their presence is obvious, and with assistance we would hope from others in the region, from European countries, from others that might be brought into the process, a movement toward negotiations would lead to a change in the government—plurality of parties, freedom of the press, some movement of reassurance to the neighbors, some pledge of an autonomous foreign policy so that there would not be the threat of Soviet incursion in there. That, I think, is a fair statement of where we hope this would lead.

Now, the Nunn-Lugar amendment would also, however, leave open the opportunity for the President, after we have tried this process of negotiation—bilateral, multilateral, or regional—if this simply is not bearing fruit, to come back to the Senate and to ask, quite frankly, for military resources for the Contras so that they might move ahead in a different way. But the contemplation at least in the near term would be to give negotiations a full opportunity while keeping the Contras in place. And, in the longer term, if this does not work, to move toward military assistance.

Mr. HART. If the Senator will yield further, it is difficult to quarrel with that hope, and certainly that policy, which I believe the vast majority of

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7595

the Members of the Senate and the American public would support. I guess it is in fact the word "hope" that concerns the Senator from Colorado.

What concrete evidence does the Senator from Indiana have that in fact the administration has policies to bring those negotiations about, to the degree that it is within our power to do so? In other words, beyond "hope," how does this aid link to a leadership position of this administration, not waiting for things to happen but causing those negotiations to happen?

Mr. LUGAR. Mr. President, I think the answer to the distinguished Senator from Colorado is that the Secretary of State has at every opportunity tried to make things happen in terms of negotiation bilaterally, in the Manzanillo conferences that we have had with the Sandinista government, and also through any number of other occasions in which we have tried to shore up the Contadora process and tried to get other of our allies interested in the situation. I think we have pressed very hard. As the Secretary of State has pointed out, at some point when there does not appear to be any movement in negotiations—and our sense is that the Sandinistas have no incentive to be forthcoming—then a predicament occurs and the question is how to get things off dead center. How do you change the real politik of the situation in a way in which the Sandinistas might want to negotiate more seriously with anyone.

Mr. HART. What incentive do the Sandinistas have to negotiate under our guidance or direction when we are in fact providing the military assistance to try to overthrow them?

Mr. LUGAR. Mr. President, it seems to me that they would have every reason to want to negotiate because the fact is that a cease-fire and peace would be preferable in Nicaragua to a civil war. It clearly would be preferable for the trade embargo to be removed or other obstructions to be eliminated. In other words, there are a number of ways in which life in Nicaragua might improve, as well as the relationship of the Nicaraguan people to its Government. These pressures, it seems to me, are felt. One can argue to what extent. Some can say they are felt very much. A core Marxist group never changes. But I suppose the proponents of administration policy are more optimistic about the regime—hopeful even at this late stage that there might be some admission of an opposition and the beginnings of democratic institutions in Nicaragua.

Mr. HART. But is not the argument a little like a man in an alley who is being assaulted by another man with a club, and the man with the club assaulting him says, "I want to talk to you," as he is banging him on the head—"I want to negotiate with you, and I am going to keep hitting you until you agree to negotiate with me?"

The formulation of the Senator from Indiana and the administration

seems to me to ignore a basic fact of human nature, which is something called national pride.

If a nation is under attack indirectly by the people who are saying "We want to negotiate," the first thing that nation does is defend itself and say, "Well, we are not going to negotiate under the barrel of a gun. You withdraw the gun and then you come and talk to us about negotiations." Is that not the way human nature works?

Mr. LUGAR. The Senator from Colorado is an experienced student of history. Various countries have negotiated for all sorts of reasons. I am not privy to what the Sandinistas may have determined about their future in this respect. Clearly a sense of national pride is there with that government. But I think other students of Nicaragua have noted that essentially a Marxist government is incompatible with the nature of the Nicaraguan people and that there is a friction, by definition, between the government and the populace of present. This is not as yet a totalitarian regime that has been so thoroughgoing as to have squeezed out, cell by cell and neighborhood by neighborhood, all opposition. I think it is a reasonable assumption that negotiations are still possible and, furthermore, a reasonable assumption that so long as there are Nicaraguans who have an equal claim upon the political process of Nicaragua, we ought to support them. The gist of what we are debating today is whether that is a reasonable thing to do. I believe that it is, without being able to predict the success of future negotiations.

Mr. President, let me say at this point that there are other Senators who are asking me for time. If the Senator from Colorado will withhold for the moment, I would appreciate it.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I ask Senator Dobb if he will let me have 8 or 10 minutes.

Mr. DODD. Mr. President, if I may inquire first, how much time remains on the side of the proponents?

The PRESIDING OFFICER. Each side has 15 minutes.

Mr. DODD. I will be glad to yield to the distinguished ranking member 7 minutes of those 15.

Mr. PELL. Eight.

Mr. DODD. Eight minutes.

Mr. PELL. Mr. President, the Senate, today, has an opportunity to make a positive contribution to United States policy toward Nicaragua, an issue we have been dealing with for some time now. Needless to say, we have a formidable task and challenge.

We are being challenged to consider a policy which is much more than providing a relatively small amount of money to an insurgent force bent on overthrowing the Nicaraguan Government. We are being challenged to consider a policy dealing with the much

larger and graver issue of war and peace, with stark implications for this country because of the prospect that U.S. military forces must become directly involved. Our response to this challenge ought to be to end the spiraling cycle of fighting, violence, and terror that has placed our Nation in a difficult international position. Instead of voting to continue the war, we should be constructing a policy that will contribute to peace and justice in Central America.

The key to peace in the area is held by the nations of the region themselves. The Contadora nations of Mexico, Panama, Venezuela, and Colombia have worked hard against tremendous odds to formulate a treaty that would bring lasting peace to the region by gaining commitments regarding the arms race, the presence of foreign troops, arms traffic, verification and control mechanisms, national reconciliation, and political reform. We all know by now, however, that in order for a Contadora treaty to be realized and effective, it must have the full and unfettered support of the United States. It will take more than lip service and generalized calls for peace in the region. The administration must use all possible means to convince our friends in the area that the United States is percent behind the Contadora process as the best hope for peace in Central America.

A parallel vehicle for peace in the region is the mechanism of bilateral talks between the United States and Nicaragua, which were suspended by the United States. These talks, which the Nicaraguan Government believed were moving toward the improvement of relations, would have provided the direct contact necessary to resolve the very difficult issues that have developed between our two countries. These talks would be an important complement to the Contadora process.

In dealing with the amendments that are before the Senate today, I ask my colleagues to seriously consider what their votes mean in terms of war and peace in the region, the implications for direct U.S. military involvement, and the standing of the United States in the world community of nations.

Mr. President, I congratulate Senator Dobb on his amendment and I am glad to be a cosponsor. It is an excellent amendment and provides strong American support for the Contadora process, authorizing \$10 million to assist in bringing about a negotiated political settlement.

I think the fundamentally important point here, a basic question in considering whether or not we support the Contras, is what their role in life is.

I should like to revert for a moment to the definition of terrorism. I read the following definition:

International terrorism means activities that—

S 7596

CONGRESSIONAL RECORD — SENATE

June 6, 1985.

(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State;

(2) appear to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by assassination or kidnapping; and

(3) occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished . . .

Under that definition, it seems to me that the Contras fulfill the definition of being terrorists. They are our terrorists, and we should not be shy about calling them terrorists.

The difference between a terrorist and a freedom fighter is very simple. Terrorists are indiscriminate in their targets. They kill men, women, and children and cause damage to civilian infrastructure. A freedom fighter, generally speaking, aims for military objectives.

If we look down through history, there is a difference between freedom fighters and terrorists. Obviously, very often, from the subjective viewpoint, one country's terrorists will be another country's freedom fighter, but there is a difference between the two that can generally be held.

I think that if we look at our own early history, we realize that our forebearers were not terrorists; they were freedom fighters. Throughout the years, as countries have achieved independence and have had their revolutions, there has been this difference—whether the people who have been attacked in an indiscriminate form have been civilians or whether they have been military objectives.

If something looks like a duck, waddles like a duck, and quacks like a duck, then it probably is a duck. In my view, the Contras, by this definition of terrorists, are terrorists.

We have inveighed against terrorism. Some believe it is to our advantage that our terrorists should be helped and supported. But if we truly disagree with terrorism as a means of affecting the policy of a nation's government—and that is really the purpose of terrorism—then, in my mind, we should oppose terrorism in any form, anywhere, on any continent, no matter under whose auspices, whether under our auspices or anyone else's.

For these reasons, I am glad to be a cosponsor of this amendment.

I believe we should not do anything to encourage the support for our terrorists, the Contras. In that regard, the civilian casualties of the Contras in Nicaragua as of June a year ago—the total civilian victims—were estimated to be 4,038. That is a good many. These do not include military people who have been killed.

So, for all these reasons, I think this is an excellent amendment. From the viewpoint of public opinion at home—

and while we should not always be the patsy of public opinion, we should be guided by it as well as what is in our country's best interests—the American people are against U.S. support of the Contras.

According to a recent Harris survey, 58 percent of the public is opposed to sending \$14 million in nonmilitary aid to the rebels.

On the trip that Daniel Ortega took, when he tried to get help from seven Communist countries—countries under Soviet domination—he also visited six countries not dominated by the Soviet Union: Sweden, Finland, Italy, France, Spain, and Yugoslavia.

In addition, Vice President Sergio Ramirez, on earlier trips to Europe visited Western European countries: Spain, Great Britain, Ireland, and France.

So we can see that Ortega was looking for help throughout Europe. I will agree that he got more help from the Soviet Union than anywhere else, and that is most deplorable and unfortunate—certainly from our viewpoint.

Mr. WILSON. Mr. President, will the Senator yield for a question?

Mr. PELL. I yield.

Mr. WILSON. It is a simple question and can be answered yes or no.

I am wondering whether or not the Senator from Rhode Island considers that the guerrillas who were undermining and subverting and, I would say, conducting terrorism against the Government and the civilian populace of El Salvador would be characterized by the Senator as the same guerrillas who are being armed and directed from Managua as terrorists.

Mr. PELL. When they are attacking civilian targets, they are, to my mind, terrorists. If they are attacking military targets, some people might say they are freedom fighters. That is the difference between the two.

Mr. WILSON. I thank the Senator from Rhode Island.

Mr. LUGAR. Mr. President, I yield 5 minutes to the Senator from California [Mr. WILSON].

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. I thank the distinguished manager of the bill.

Mr. President, in listening to my friend from Rhode Island, I was struck by what seems to me the inconsistency of a position that says that those who are freedom fighters in Nicaragua are terrorists, while those whom others would characterize as freedom fighters in El Salvador—who are indeed terrorists, armed and directed from Managua—are freedom fighters when they attack government positions.

I would not make the distinction between terrorists and freedom fighters in the same fashion. Indeed, I do not think it is very consistent to find the same person a terrorist and a freedom fighter, depending upon the target.

I will agree that innocent civilians should not be the target of military action or of terrorism. There is no jus-

tifying that, in any instance. But when the government that is being attacked, even when it is through its army that it is being attacked, is that of a freely elected democracy—that being the situation in El Salvador—you have a situation that is enormously different from that in Nicaragua, where the Government, whether Marxist or not, is a Government that seized by power or force and has governed by force.

I hope no one is persuaded that the charade that occurred there last fall was in fact the same kind of legitimate election which elected President Duarte in El Salvador. It was, instead, the kind of sham we see take place in the Soviet Union.

Mr. President, earlier today I heard my friend the Senator from Connecticut suggest that we should disassociate ourselves from freedom fighters in Nicaragua because one day the Sandinista regime in Nicaragua will use them as an excuse to cross the borders into Honduras or Costa Rica, calling them terrorists, in much the same fashion that Israel sought to protect its northern borders and its population from the terrorists attacks of the PLO, who achieved free rein of southern Lebanon.

Mr. President, what is wrong with that analysis is that it defies the truth of the difference in the situations.

The people of Israel were in fact entirely justified in going after terrorists who were marauding, who were sending rocket rounds in Israel from their base in southern Lebanon.

To equate that kind of terrorism with the sort of thing that has been going on either in Afghanistan or in Nicaragua, as freedom fighters have attempted to fight back, is to simply say that all who attack a government whether it is a freely elected government or one that is despotic and in place by force are in fact terrorists and we must equate them and, therefore, we must simply wash our hands. That simply makes no sense.

Mr. President, the people of Central America know that they cannot stand up to a Soviet-Cuban financed regime of terrorism and subversion, one that somehow does not quite transcend the bounds of the Rio Treaty because it is not open aggression, not overt aggression. But they know that ultimately their fate can be sealed unless they have some support. They are disposed to resist this revolucion santeros that the Sandinista regime seeks to export beyond its own borders, violence, subversion, and terrorism.

But I think perhaps the clearest example of the kind of help they need has been made clear in a letter of April 4, 1985, from President Duarte to President Reagan, and I know my friend from Connecticut, the sponsor of this amendment has a great admiration for President Duarte, one which I share, one that is deserved by history. He has hardly been an oligarch; rather he has been the victim of oligarchy.

June 6 1985

CONGRESSIONAL RECORD — SENATE

S 7597

Now he is a victim of an attack from beyond his borders, one that is financed and directed by Managua, one that—

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. WILSON. I ask for an additional 2 minutes.

Mr. LUGAR. Two minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WILSON. I thank the Chair.

In his letter, President Duarte wrote to President Reagan:

We remain concerned as we have been for some time by the continuing flow of supplies and munitions from Nicaragua to guerrilla forces here in El Salvador which are fighting against my government and our programs of reformed democracy, reconciliation, and peace. This continuing intervention in our internal affairs is of great concern to us and we deeply appreciate any efforts which your government can take to build a broad barrier to such activities, efforts which a small country like El Salvador cannot take on its own behalf.

Mr. President, what the President of El Salvador is saying is that he needs help against the kind of subversion and guerrilla activity that is being conducted against his Government. It is directed from Managua, it is supplied, it is financed with money from the Soviet Union and Cuban bloc.

To try to equate these guerrillas attacking the Duarte government with the activities of the Contras is to simply ignore the very differences in their situation. The Sandinista regime that seeks to subvert other governments through just guerrilla activity in El Salvador is the target of the Contras. If, in fact, we wash our hands, if we take the money that the Dodd measure would appropriate to get out of an association with freedom fighters, then why do we not do the same thing with the Afghans who are resisting the Red Army in Afghanistan? Because, Mr. President, there is a fundamental difference. The truth is the Afghans are resisting an invader who has taken their land by force, and the same thing is true in Nicaragua, though the invader happens to be not the Red army but the Sandinistas.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana,

Mr. LUGAR. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. I thank the Chair. Mr. President, I am going to try to stay within the 5 minutes and make four or five points.

First, at the heart of each of these amendments is the issue of who is at fault for what is going on. The Senator from Connecticut referred to the two helicopters that were shot down and that will lead us into an endless debate about who started it, who is perpetuating it, and who is at fault.

The reality is that you cannot blame the U.S. involvement except indirectly

in the specific acts of violence that are taking place because we have not had a presence in Nicaragua since we stood on this floor a year ago debating whether or not to continue support for an alleged covert action.

I think the reality is, and I was in Costa Rica on Friday at 2:20 in the afternoon when two of the civil guards were killed on the border, is now that the Nicaraguan issue is Nicaraguan and Nicaragua. And the role that we play here is in danger of becoming superficial to that issue.

The Sandinistas have been killing El Salvadorans indirectly for at least 5 years. They are now in the process of killing Hondurans and Costa Ricans in a very direct kind of a sense. Yes, mixed into the reality of why they are doing the killing, in the case of the Salvadorans it has something to do with popular revolution in El Salvador which I think is successful but they are still feeding the killing and I think it has something to do with El Salvadoran people in FDN need to be attacked from Honduran or Costa Rican territory so you can indirectly find some play somewhere else.

But the reality is it is Nicaraguan against Nicaraguan today and it is in a setting of Central American setting much more than it is an east-west or north-south kind of a setting.

I would reply in elaboration of the question of the Senator from Colorado about the long range. The long range in Nicaragua is democracy. That is the issue that we ought to be debating here today. The difficult question is who are the democrats? I do not mean in the sense of the folks across the aisle. But who are the democrats in Nicaragua?

I originally opposed any involvement down there because I know there would be a day when we would be wrestling with who the true democrats are.

The reality is today, and I met with some of these people while I was there, the leadership on the democratic side in Nicaragua will come from a large and enlarging group headed up by the tripe-A. The triple-A include Arturo Cruz, Alfonso Robelo, and Adolfo Calero. All first names start with "A". That is how they get to be the triple-A. It is their task to take political charge of an effort which was at best missed in the military sense.

They told me last weekend, "Whatever you do in your resolution next week make sure that the democratic resistance, the democratic revolution in Nicaragua, if it is armed with support from the United States that support includes a condemnation of atrocity terrorism, indiscriminate killing of civilians, and so forth, on the part of people in the democratic resistance." They are taking charge of the democratic side.

They are doing it because the reality throughout Central America is that this is no longer a U.S. national security

problem. It is a national security problem for Central America.

The reality is that six Central American countries cannot exist with a dictatorship in its heart. The heart of Central America has always been a democracy. It has been stifled for years and years with the help of the United States.

Today democracy is alive and well in those countries and in every country except Nicaragua.

There is a graffiti all over San Jose, Costa Rica which is in Spanish "Comandantes lo mismo que Somocistas" and that says the commandantes are all Somocistas.

It is common consensus in Central America that all we have accomplished, all the Costa Ricans accomplished, with all of that support that they gave to the anti-Somoza forces, all they did was trade a military dictatorship of one for a military dictatorship of nine. That is the heart of the issue. It is not the U.S. policy as much as it is the future of Central America.

My distinguished colleague from Rhode Island referred to the Gallup Poll in the United States about support for U.S. involvement in Central America.

The PRESIDING OFFICER. The Senator will suspend. His 5 minutes have expired.

Mr. DURENBERGER. I ask unanimous consent that I be allowed to continue for 2 minutes.

Mr. LUGAR. How much time remains on this side?

The PRESIDING OFFICER. Two minutes.

Mr. LUGAR. Two minutes.

Mr. DURENBERGER. I will take 1 minute.

Mr. LUGAR. All right.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. DURENBERGER. Mr. President, in this poll taken in Costa Rica by the Gallup organization just in the last couple of months "Do you consider Nicaragua a significant threat to peace in Costa Rica?" Ninety-eight percent of the Costa Ricans said yes.

"Do you consider it necessary to improve the capability of the Costa Rican civil guard to deter the threat from Nicaragua?" Eighty-eight percent of 1,500 sampled Costa Ricans said yes.

So we can debate U.S. national security policy around this amendment forever. We will not get to the heart of the problem. The problem is the future of Central America, the future of democracy, and the reality of "Comandantes lo mismo que Somocistas."

Mr. LUGAR. Mr. President, we have but 1 minute remaining. I will simply indicate that I believe sufficient reasons have been given for Senators to vote against the amendment. Keep in mind the Nunn-Lugar amendment coming along the trail later on today

S 7598

CONGRESSIONAL RECORD — SENATE

June 6, 1985

which, in my judgment, offers a better foreign policy for our country.

I yield back any remaining time that we have.

Mr. DODD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Connecticut has 9 minutes remaining.

Mr. DODD. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I do not anticipate using the entire 8 or 9 minutes remaining to me at all. I do not have any additional requests for time on this side so I will try to respond, if I can, to some of the comments that have been made since I proposed the amendment in my opening remarks.

First of all, with regard to the likelihood of the Sandinistas changing any of their policies at all, my good friend and chairman from the State of Indiana, Senator LUGAR, indicated what I was suggesting was that there is no hope at all.

What I was trying to point out is that if your stated goals have been to reduce the size of the Nicaraguan military, to improve democratic institutions from within, and to at least lessen the credibility of the Sandinistas internationally, that over the past 4 years, with the expenditure of a large amount of money in support of the Contra operation, we have not reached those goals.

We are not talking about hopes and wishes and what our feelings are about, as I mentioned earlier, members of the Contras who are tremendously sympathetic because of what they are trying to do. I am asking my colleagues here to make a choice about what makes sense for us. This is not just a question of wishing or hoping is it going to work. My response is it is not. Is it in our interest to continue a policy that is doing more harm than good? If one can stand up here and tell me how, as a result of what we have done in the last 4 years, Nicaragua is reducing its military buildup, it is moving to institute some of the democratic reforms and promises it promised prior to the overthrow of Somoza, I would be willing to listen to why we ought to continue to support the Contras.

But, if you get the opposite effect, it seems to me we ought to have enough common sense to say, "Let's try something else." Either that or give the Contras the type of aid they need to do their job. I hear my colleagues say they deserve our support. If they deserve our support, why not give them support? We are going to argue about jeeps and band-aids and the United Nations and the Red Cross. If they qualify, give them help. If it is not working, we should try something else and we ought to have enough honesty and integrity to say that, as well.

On the question of comparing this, my good friend from California suggested that there were some differences between the Nicaraguans and the Israelis. Of course, there are. I was not drawing the comparison to the extent of two governments that are reflective of each other in their policy. The comparison I was drawing was the reaction of the Israelis to the problems as they perceived them and we perceived them in their northern borders and the southern part of Lebanon. What the Nicaraguans can point to is their problems on their northern border and the southern part of Honduras. And in that court of international public opinion, I would suspect today that the Nicaraguans would enjoy far more support in crossing that border to deal with that problem than they would have 2 years ago, 3 years ago, or 4 years ago; that today they would appear to be operating under the color of right, protecting their sovereignty.

That is where the comparison begins and ends, not over the legitimacies of the two governments or whether or not you like the two governments or not, but whether or not they are going to appear as doing that which was in their self-interest to protect their sovereignty. That is the extent of the comparison.

The Gallup and other polls and so forth that people talk about, I wish the work word "polls" never enter the debates around here, and they do too often. If we are deciding that we are going to set our foreign policies based on polling data, God help us. It is bad enough as it is. We start talking about whether or not 51 percent of the people like this policy or 49 percent do not. It is hard enough to try and fashion something, but if we start doing it based on polls every day to determine where a popular opinion is then we are in far more trouble than I imagined.

So I hope we would keep polling data as far removed from the debates as possible. If it is the right thing to do, then we ought to do it. If it is the wrong thing to do, then, regardless of the amount of public support it would appear to have, we ought to try something else.

Again, Mr. President, let me just conclude by saying that I realize what I am offering here is a position that is quite different from what else we will debate today. But it seems to me it is the central question. Does this policy make sense for us? Is it working for us or is it not?

Unfortunately, we will spend the rest of the day, and I suspect what we will adopt here will be adopted in the House, on some very nice little package that will be very appealing to all of our constituencies back home: "We are giving aid to the Contras, but I promise you we are not going to give them anything to fight the fight with. We are going to give them band-aids and trucks and jeeps and we are going to do it through the Red Cross, the

United Nations, AID, or the CIA, or delivered in some neutral way by someone who will never be seen. Don't worry about it."

That is what we are going to argue, not whether or not this policy makes sense. If it does, give it the kind of support it deserves. If it does not, then try something else.

Mr. President, I thank my colleague from Indiana for his gracious comments about this effort. I would just say, in conclusion, that we will be back at this choice. I hope that will not be the case, but I will tell you at some point we are going to come back here to this choice, whether it is in 5 months, 4 months, or a year. We will be back here on this point. I hope we would make it sooner rather than later.

Mr. President, I yield back whatever time I have remaining.

The PRESIDING OFFICER (Mr. GOLDWATER). All time has been yielded back. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. DODD]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I also announce that the Senator from North Carolina [Mr. EAST] is absent due to illness.

I further announce that, if present and voting, the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] would each vote "nay."

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The result was announced—yeas 17, nays 79, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—17

Burdick	Kennedy	Metzenbaum
Cranston	Kerry	Pell
Dodd	Leahy	Riegle
Harkin	Levin	Sarbanes
Hart	Matsunaga	Weicker
Hatfield	Melcher	

NAYS—79

Abdnor	Durenberger	Kassebaum
Andrews	Eagleton	Kasten
Armstrong	Evans	Lautenberg
Baucus	Exon	Laxalt
Bentsen	Ford	Long
Biden	Garn	Lugar
Bingaman	Glenn	Mathias
Boren	Goldwater	Mattingly
Boschwitz	Gore	McClure
Bradley	Gorton	McConnell
Bumpers	Gramm	Mitchell
Byrd	Grassley	Moynihan
Chafee	Hatch	Murkowski
Chiles	Hawkins	Nickles
Cochran	Hecht	Nunn
Cohen	Heflin	Packwood
D'Amato	Heinz	Pressler
Danforth	Helms	Proxmire
DeConcini	Hollings	Pryor
Dixon	Humphrey	Quayle
Dole	Johnston	Rockefeller
Domenici		

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7599

Roth	Specter	Thurmond
Rudman	Stafford	Trible
Sasser	Stennis	Warner
Simon	Stevens	Wilson
Simpson	Symms	Zorinsky

NOT VOTING—4

Denton	Inouye
East	Wallop

So the amendment (No. 271) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 272

(Purpose: To urge the United States to resume bilateral relations with the government of Nicaragua, and to prohibit the introduction of Armed Forces of the United States into or over Nicaragua)

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment for himself and Mr. HATFIELD numbered 272.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following sections:

BILATERAL NEGOTIATIONS BETWEEN THE UNITED STATES AND THE GOVERNMENT OF NICARAGUA

SEC. . It is the sense of Congress that the United States should resume bilateral negotiations with the government of Nicaragua.

LIMITATIONS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

SEC. . (a) Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization in this or any other Act may be obligated or expended for the purpose of introducing Armed Forces of the United States into or over the territory or waters of Nicaragua for combat.

(b) As used in this section, the term "combat" means the introduction of Armed Forces of the United States for the purpose of delivering weapons fire upon an enemy.

(c) This section does not apply with respect to an introduction of the Armed Forces of the United States into or over Nicaragua for combat if—

(1) the Congress has declared war; or

(2) the Congress has enacted specific authorization for such introduction, which authorization may be expedited in accordance with those expedited procedures set forth in Section 8066 of the Department of Defense Authorizations Act (1985), Public Law 98-473; or

(3) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, provide necessary protection for, the United States Embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and

to evacuate, United States Government personnel or United States citizens.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I asked for a division of the amendment as indicated on the amendment. The first division is on the section on bilateral talks between the United States and Nicaragua. The second division is on the introduction of U.S. combat troops in Nicaragua.

The PRESIDING OFFICER. The Senator has a right to divide the amendment. The amendment is so divided.

Mr. KENNEDY. Parliamentary inquiry, Mr. President. Do we have the yeas and nays on both?

The PRESIDING OFFICER. The yeas and nays having been authorized for the division, it applies to both.

Mr. KENNEDY. Mr. President, there are two parts of this amendment, one dealing with the bilateral negotiations and the second with regard to combat troops.

The distinguished Senator from Oregon is a cosponsor of the provisions dealing with the combat troops, and I will be glad to yield to the Senator to address that particular issue if he would so like at this time. And then I will make the presentation with regard to both sections of the amendment.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Senator from Massachusetts.

Mr. President, I rise to support the entire amendment as offered by the Senator from Massachusetts and myself, but I would like to make a few remarks at this time relating to that section that addresses the question of the introduction of American troops.

Frequently, we hear the Members of this body and others say that there are no parallels between the American involvement in Central America and the American involvement in the war in Vietnam.

Obviously, there are definite dissimilarities between those two actions and policies, but there are also some irrefutable similarities. One of them, I fear, is one that can happen in such a subtle way that we are caught unaware. It was in this fashion that we found ourselves in the longest war in American history, a war that was never declared, a Presidential war that was supported by the Congress. Why that occurred was, of course, subject to many interpretations, but I think one of them was because the Congress ducked its responsibility. It was a congressional responsibility from the very beginning. We failed to draw a distinction between a Presidential military response that has always been considered valid, which is to introduce mili-

tary force to defend an immediate threat to the United States or its citizens and the introduction of U.S. troops to conduct war without acknowledging that it actually is a war. Thomas Jefferson established the precedent for the former option very clearly under the African pirate case. But certainly the war we fought in Vietnam was not such a case, and the Congress never did stand up to its responsibility to officially make a declaration of war.

What this amendment proposes to do is simply require that there be a congressional authorization or a declaration of war before American troops are sent to Nicaragua.

Mr. President, 2 or 3 years ago I addressed this Chamber in terms of my concern about that possibility. I did not want to see the nightmare of Vietnam repeated in the case of Central America. No one thought that it was a very serious concern to be expressed at that time. I think it is very interesting that the New York Times carried a front-page story in which they conducted almost 50 interviews with officials from various sources indicating that discussion of the invasion of Nicaragua has been commonplace in this administration—discussions of the invasion of Nicaragua. I think there are some people who would like the discussion to become a bit more commonplace. I think we have to be aware that this possibility is not way out. We are not engaging in some kind of rhetorical accusation. Nor was there one being made 3 years ago.

When we create the image of a threat to America by this little Central America republic today, we are also creating a responsibility that will ultimately be ours to destroy it. And if the forces that are operating there today cannot demonstrate capability to destroy it, then we have no other option but to introduce our own forces to "destroy this great threat to the American Republic."

Now, in the debate in April we had a hate-in—everybody said, "I hate the Sandinistas more than you do. I just hate them differently." It was very interesting to watch the debate at that time on the floor. We had all kinds of suggestions: "We want to exhaust all the economic and diplomatic 'hate' options before we go with the military option."

Virtually everybody was willing to create a monster which we could destroy later, and the administration helped us along with trade sanctions. Then Ortega helped us along a great deal with his trip to Moscow—one of the dumbest things I ever saw pulled on any political stage. If stupidity were sufficient reason to set the stage for war, then Mr. Ortega deserves war, one might say, but the problem is that it will not be Mr. Ortega who will pay the price; it will be the peasants in the countryside, and the 14-year-old children the Sandinistas parade around in

S 7600

CONGRESSIONAL RECORD — SENATE

June 6, 1985

uniforms carrying guns, as reprehensible a regime that it may be. But before we try to destroy the monster we are urgently creating, let us make sure that the American people agree.

I do not want to get into one of those situations again where Members of Congress ran around the countryside after it was too late trying to say, "Well, this is President Johnson's war." Of course it was President Johnson's war, because you had a gutless Congress that did not stand up to its congressional responsibility. But that in no way justifies it nor did that sanctify the war. It merely made it more reprehensible because it was such an unwinnable one. Mr. President, when we debated this issue in late April I said that what we do or do not do today affects the unfolding caricature of the Nicaraguan regime. I said that our responsibility is immense, because the mark we make on that caricature through our actions will go far in determining whether it will be necessary to send American troops to war tomorrow. To the extent that the caricature of that society is still unfolding, I believe, Mr. President, we virtually guarantee that our most sinister suspicions will be validated every time we fail to embrace opportunities to change it. I also said that everyone here who talks of a totalitarian, Leninist-Marxist, Soviet beachhead in Nicaragua better know exactly what he or she is talking about because, if a majority of us are convinced of that now and act accordingly, we are going to have it. We are going to have it as sure as we are going to have to stop it one day in order to save face. We better be careful about that before we cross that xenophobic threshold.

I still feel that these perceptions are not only valid, but that they have taken on certain new authenticity as a result of these reports of discussion about invasion going on within the officialdom of our Government.

I think we also have to realize, Mr. President, that as we ask for this amendment to be adopted, we are not in any way blazing the trail for any new policy or any new proposal or any strange doctrine. I am merely asking along with my colleague from Massachusetts that we underscore and reemphasize the congressional constitutional responsibility. All we are suggesting in this amendment is that we reaffirm our basic commitment to the Constitution. That Constitution states very clearly that, it shall be the responsibility of the Congress of the United States to make a declaration of war before American troops are introduced into military action. We must realize that once those troops are introduced, with or without our authority, the President of the United States is still the Commander in Chief and he prosecutes the war.

I am not suggesting that we take on the Commander in Chief's responsibility. We are simply reaffirming our constitutional responsibility to take a

specific action, prior to the introduction of American troops into Nicaragua. We do not say El Salvador. We do not say Honduras. We do not say Costa Rica. We do not say Guatemala. We say Nicaragua. That is the essential purpose of this amendment. It is a simple reaffirmation of our constitutional responsibility.

Mr. KENNEDY. Mr. President, this amendment is in two parts; the first part expresses the sense of Congress that the United States should resume bilateral negotiations with the Government of Nicaragua; the second part sets forth language similar to that which appears in the foreign aid package that was passed by the House Foreign Affairs Committee prohibiting the introduction of U.S. combat troops in or over Nicaragua without prior approval of Congress.

I will deal with the first part of this amendment first.

Last June, Secretary of State Shultz met with Daniel Ortega in Managua. At that time, the American people were told that the United States would begin to conduct discussions directly with the Government of Nicaragua. Many critics of the administration suggested that this initiative was politically motivated, that President Reagan had only agreed to bilateral discussions with the Sandinistas as part of his campaign for reelection, and that as soon as the American election was over, the talks would be halted.

But there were those of us who applauded the President's decision. We had argued that military force should be a policy of last resort. We had contended that the United States should explore and exhaust diplomatic and political avenues for resolving our differences with the Sandinistas, and that we should do this before resorting to direct military pressure. There were those of us who saw Secretary Schultz's trip to Managua and the talks that grew out of that trip as a promising step forward, a hopeful sign that, once the two parties began talking together directly, progress might be made—not only in resolving differences between Nicaragua and the United States but also in dealing with some of the obstacles that still stood in the path of a Contadora agreement.

And so we supported the talks that ensued at Manzanillo. Those discussions seemed promising. Both parties sent experienced and high-level diplomats to conduct the negotiations, and both parties were careful to keep the contents of their discussions out of the newspapers. The meetings went forward over the summer, into the fall, and on into the winter. After the June 2, 1984, meeting between Shultz and Ortega at the airport in Managua, the parties sent their respective delegations to Manzanillo, Mexico for the first set of discussions on June 25-26. Thereafter, the delegations met on July 16 in Atlanta and then again on six other occasions in Manzanillo be-

tween the end of July and November 20. The last set of meetings occurred on December 10-11, 1984. Thereafter the American delegation announced that it would not return to Manzanillo for the January meetings and that the talks would be suspended.

There were those who expressed a certain cynicism about the decision to withdraw from the Manzanillo talks, pointing to the fact that the talks were initiated 4 months before the Presidential election in the United States and were then halted just 1 month after President Reagan was re-elected. The decision to halt these negotiations was all the more disappointing when we learned that the administration also wanted Congress to send \$14 million in additional military assistance to the Contras. It appeared to many of us that we had returned to the mistaken policies of the past and that what should have been the course of last resort—the military option—was actually this administration's preferred policy. We then learned, directly from President Reagan himself, that it was the policy of the United States of America to make the Sandinistas "cry uncle" and to "replace" the Sandinistas with a "new structure." It is understandable that this administration might be reluctant to negotiate directly with a government that it is seeking to overthrow, and—in the context of the administration's decision openly to announce its intention of overthrowing the Sandinistas—I can understand why the President would decide to call off the Manzanillo talks.

But there are those of us who still believe that the United States of America should not be in the business of overthrowing governments that we do not like. There are those of us who think it is wrong under international law and wrong morally for the United States to interfere in the internal affairs of another country the way we have been interfering in the internal affairs of Nicaragua. We still believe that the United States should turn to the military option only as a last resort, when our own national security interests are clearly at stake, when our citizens are in danger or when our treaty obligations require us to do so. In the absence of those circumstances, we believe that diplomatic and political and other avenues of influence should be used before resorting to armed force.

This amendment is very simple. It states clearly and unequivocally that it is the sense of Congress that President Reagan should direct Secretary of State Shultz to return to the negotiating table with Nicaragua, to explore ways in which our differences might be worked out peacefully, and to exhaust diplomatic and political avenues.

Recently there was a hopeful sign that the United States might be contemplating a return to the Manzanillo talks. On May 11, 2 weeks before Congress went into recess, the Security

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7601

Council introduced a resolution condemning the U.S. trade embargo of Nicaragua and calling on the United States to resume talks with the Nicaraguan Government. Of the 16 paragraphs contained in that resolution, the United States vetoed those 3 that dealt with the trade embargo but abstained on the paragraph that called on the United States and Nicaragua to resume the suspended talks that had begun in Manzanillo. After the debate, U.S. Ambassador Jose S. Sorzano said that the United States was "not against a dialog" with Nicaragua. I believe that Congress should go on record in support of such a dialog.

At a time when Secretary of State Shultz meets and talks with Foreign Minister Gromyko, at a time when President Reagan has expressed his desire to meet and talk with Mr. Gorbachev, at a time when an American delegation is meeting and talking with a Soviet delegation in Geneva, at a time when the nations of the Contadora group are meeting and talking in a persistent and determined effort to resolve the conflicts in Central America by way of a comprehensive regional agreement, at a time when the United States has even negotiated with Mr. Castro about the return of some of those who had entered the United States from Mariel Bay, to get them returned to Cuba, surely it is not too much to ask the U.S. Government to open direct discussions with the Government of Nicaragua.

Mr. President, all we are asking, is for this administration to "give peace a chance" and to return to the negotiating table. I urge my fellow Senators to support this part of the amendment.

Mr. President, I say to the chairman of the Foreign Relations Committee that I would be glad to discuss the second part of the amendment if he would prefer, and then we could have a discussion on either part following that, or we could talk about the first part.

Mr. LUGAR. If the Senator will proceed with the discussion of the second part, that is my preference, and I will attempt to discuss both parts.

Mr. KENNEDY. Mr. President, as the Senator from Oregon has pointed out, the second section of my amendment, if enacted, will prohibit the introduction of U.S. combat troops into Nicaragua without advance approval of Congress, except in a situation where the President determines that U.S. combat troops must be sent to meet a clear and present danger of attack upon the United States, its territories or possessions, to provide protection for U.S. Government personnel or citizens, or where Congress has declared war.

This is not the first time that the Senate has debated this question, but I hope it will be the last. At long last, we should respond to the concerns of the American people and send a clear message to this administration: We do

not want to slip-slide into a war in Central America without full consultation with Congress, and we should not send American boys to fight and die in the jungles of Central America unless and until Congress and the American people have had a chance to be heard.

I am offering this amendment today because of the mounting evidence that this administration is preparing to send U.S. combat troops to Nicaragua to finish what the Contras have started. On May 23, in a speech before the American Bar Association in Washington, DC., Secretary of State Shultz warned Members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "They are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of U.S. combat troops."

On April 17, the New York Times cited a classified report from the White House to Congress in which the administration stated that it has, for the time being, ruled out "direct application of U.S. military force" in Nicaragua but warned that this course "must realistically be recognized as an eventual option given our stakes in the region, if other policy alternatives fail."

According to the Times:

The document contended that only direct pressure brought by expanded rebel forces fighting on Nicaragua's northern and southern borders could force the Sandinistas to accept United States demands.

The document went on to state that, in order to "create real pressure on the Government of Nicaragua," it would be necessary for Congress to appropriate funds for a 20,000- to 25,000-man force in the north and a 5,000- to 10,000-man force in the south.

Thus, we see that it is the best assessment of the White House that it will take no less than 25,000 to 30,000 men to create real pressure on Nicaragua" and, says the White House, if this policy option fails, sending U.S. troops "must realistically be recognized as an option given our stakes in the region."

I ask unanimous consent to print the April 17 New York Times article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 17, 1985]

A LARGER FORCE OF LATIN REBELS SOUGHT BY UNITED STATES

(By Hedrick Smith)

WASHINGTON, April 16.—The White House, pressing for \$14 million in aid for Nicaraguan rebels, has told Congress that it wants to expand the size of the insurgent forces to put more pressure on the Nicaraguan Government.

A document sent to two Congressional committees said the Administration had for now ruled out "direct application of U.S. military force" but warned that this course "must realistically be recognized as an eventual option, given our stakes in the region, if other policy alternatives fail."

Publicly, President Reagan has given no indication of any plan to expand guerrilla forces. Talking to trade association lobbyists at a White House gathering today, he accused Congress of being "paralyzed over a mere \$14 million in humanitarian aid."

REPRESENTATIVE MICHEL URGES COMPROMISE

Previously, Mr. Reagan had said that if the money were approved, humanitarian aid would be provided to the rebels during a 60-day cease-fire. He said it would then be shifted to military aid if the Sandinista Government did not reach a peace settlement with the rebels in that period.

Reflecting the tough battle expected over the President's request, the Republican leader in the House, Robert H. Michel of Illinois, urged Mr. Reagan today to be ready to compromise. His advice came as proponents of the aid argued on Capitol Hill that it was needed for national security.

DIRECT PRESSURE ON SANDINISTAS

The Administration objective was described in the 22-page document marked "top secret" that was delivered by the White House to Congressional appropriations committees and later made available to The New York Times.

The document indicated that the Administration was moving on two levels. Publicly, negotiations are being cast as the first priority. But the document contended that only the direct pressure brought by expanded rebel forces fighting on Nicaragua's northern and southern borders could force the Sandinistas to accept United States demands.

"Assistance provided to the Nicaraguan democratic opposition will be structured so as to increase the size and effectiveness of its insurgent forces to a point where their pressure convinces the Sandinista leadership that it has no alternative but to pursue a course of moderation," including major political concessions, the White House report to Congress said.

The President's "determination," or official request and justification to Congress for funds, set out the objective of resuming aid "at levels sufficient to create real pressure on the Government of Nicaragua (20,000- to 25,000-man insurgent force in the north and 5,000- to 10,000-man force in the south)."

Administration officials now estimate that the Nicaraguan Democratic Force has 15,000 guerrillas fighting from bases in Honduras on Nicaragua's northern border and that the Revolutionary Democratic Alliance has 5,000 guerrillas fighting along Nicaragua's southern border with Costa Rica.

Presenting the rationale for the Administration strategy of aiding Nicaraguan rebels, the White House document contended that the alternative would be an expensive and doubtful strategy of "containment" against Nicaragua. The containment strategy, it contended, could raise the cost of American economic and military aid programs in Central America from a current level of \$1.2 billion a year to as much as \$4 billion to \$5 billion a year "for the immediate future."

"The containment approach is obviously deficient in that it is passive and does not contemplate changes in Sandinista behavior," the White House contended. "Only major direct pressure can induce change."

Government sources said the document was delivered to Congress by the White House Congressional liaison office late on April 3, the day before President Reagan publicly unveiled his cease-fire proposal but after Mr. Michel had been informed of that plan. Its delivery formally set off Congressional consideration of the aid request.

S 7602

CONGRESSIONAL RECORD — SENATE

June 6, 1985

DECLASSIFIED VERSION OF DOCUMENT

The White House put out a 16-page declassified version of the document today. It contained some of the same general material but excised any references to expanding the guerrilla forces, the Central Intelligence Agency operations or the role of third countries.

Roughly \$80 million in formerly covert aid to the rebels, channeled through the C.I.A., was cut off by the House last May. A later effort to revive it was delayed by Congress last fall, setting up votes this spring.

The first Congressional action will come Thursday at hearings of the defense appropriations subcommittees of both houses. The chairman of the House subcommittee is Representative Joseph P. Addabbo of Queens, a foe of aid to the rebels. The chairman of the Senate subcommittee will be James A. McClure of Idaho, a leading supporter of the Administration on this issue.

The Administration's official report to Congress, titled "U.S. Support for the Democratic Resistance Movement in Nicaragua," enumerated guidelines for the "management of the program," including "a small U.S. advisory team" that would "maintain direct contact" with Nicaraguan rebel leaders.

ROLE OF THE C.I.A.

Although Congressional sources have said that in the past some American C.I.A. agents had entered Nicaragua with rebel groups, the latest White House document pledged that C.I.A. staff members and contract personnel would not enter Nicaragua or "participate in military or paramilitary operations of any kind."

"U.S. presence will be limited to a small group of C.I.A. advisers outside Nicaragua whose function will be to provide intelligence, limited tactical advice based on that intelligence and logistical guidance," the document said.

Mr. KENNEDY. Most recently, in a lengthy report in the June 4 edition of the New York Times, Government officials are quoted as saying that a U.S. invasion of Nicaragua is now militarily feasible. In the words of one official, an invasion of Nicaragua by the United States would be "like falling off a log . . . (T)hey'd never know what hit them." According to this Times report, Col. William C. Comee, Jr., the director of operations at Southern Command, has estimated that it would take the United States 2 weeks to gain control of 60 percent of the Nicaraguan population. Another U.S. official predicted that, in the event of intervention by the United States, "the Nicaraguan people would rise up in support of an American invasion and that neighboring armies would assist the United States eagerly."

I ask unanimous consent to print the June 4 Times article as well as a related article on June 5 at this point in the RECORD.

[From the New York Times, June 4, 1985]
U.S. MILITARY IS TERMED PREPARED FOR ANY MOVE AGAINST NICARAGUA

(The following article is based on reporting by Bill Keller and Joel Brinkley and was written by Mr. Keller.)

PANAMA.—In the last two years, the United States Southern Command, from its tropical hilltop headquarters here, has presided over the establishment of a sophisticated military apparatus in Central America.

While President Reagan and his top advisers say the use of American military force in the region is an unlikely and undesirable last resort, the military is prepared for contingencies, according to military officers and diplomats in Washington and Central America. Authorities say this has been accomplished with a vigorous tempo of war games, construction of staging areas and listening posts, the creation of an elaborate intelligence network and a major effort to fortify allied armies.

The United States military presence, once devoted almost exclusively to defending the Panama Canal, was expanded in the name of protecting stability throughout Latin America. More recently, the officials say, its focus has narrowed on Nicaragua, which the Reagan Administration believes is the main threat to peace in Central America.

The military officers and diplomats said in interviews that the buildup of the Southern Command, one of six global subdivisions of the American military, is now largely complete and that it is adequate to carry out any likely emergency in the region.

These officials also challenged what they called the apparently popular belief that if the United States was drawn into direct military involvement in Central America, it would inevitably lead to a Vietnam-style quagmire.

"LIKE FALLING OFF A LOG"

According to American military and intelligence assessments presented at the highest levels of the Government, the United States could quickly and easily rout the Sandinistas who govern Nicaragua.

An intelligence official whose opinions have been solicited by members of the National Security Council said that an invasion of Nicaragua was undesirable "from a propaganda point of view," but that if it became necessary it would be "like falling off a log."

As Congress begins another round of debate over how to deal with Nicaragua, both supporters and opponents of Administration policies are examining the military options embodied in the Southern Command with renewed interest.

One reason is that the Administration has begun talking more openly about the risk of American military involvement if Congress continues to foreclose less drastic measures, such as renewed military aid to the United States-backed Nicaraguan rebels seeking the overthrow of the Sandinista Government.

Moreover, United States and Central American officials say, the unpredictable behavior of the Nicaraguan Government could increase the likelihood of American involvement at any time.

PRUDENT, OFFICIALS SAY

American military officials say the activities at the Southern Command is prudent preparation for such dangers.

"I can say with some confidence that the exercises have provided us with a significantly improved capability to operate in the region," said Col. Charles Percy, who heads the command's task force in Honduras.

Some critics, on the other hand, have long seen the muscle-flexing at the Southern Command in a more ominous light.

Eugene J. Carroll Jr., a retired admiral who is director of the Center for Defense Information, a group often critical of the Pentagon, wrote last year that "accelerating U.S. military preparations" in Central America "suggest that the decision has already been made by President Reagan to send U.S. troops into Nicaragua."

House Speaker Thomas P. O'Neill Jr., brushing aside the President's consistent statements that he is determined to avoid sending combat troops to Central America,

said in April, "I've said all along that I don't think the President of the United States will be happy until American troops are down there."

THE COMMAND'S MISSION

The decision to use military force would be made in Washington, but the preparation and execution are the responsibility of the Southern Command, known as Southcom.

The headquarters, a cluster of neat frame buildings under coconut trees, has changed little in size or appearance since a few years ago when the command, in the words of its spokesman, Col. William C. Hansen, was "one of those final assignments" on the way to retirement.

But in 1983 the Southern Commands' importance began growing in earnest. That year the Administration, fighting one anti-Government insurgency in El Salvador while underwriting another in Nicaragua, without fanfare rewrote the command's mission statement.

Once assigned primarily to defending the Panama Canal, the command was committed, among other responsibilities, to "counter Soviet and Cuban militarization and other destabilization undertakings."

"There would not even be a United States Southern Command today, I am convinced, had it not been for the propensity of these Marxist-Leninists to pursue their own goals, ignoring the aspirations and needs of their own peoples" in Central America, Gen. Paul F. Gorman, the head of Southern Command, told the Senate Armed Services Committee in February, a few days before he retired.

THE CHANGES ARE MADE

General Gorman is widely considered responsible for changing the command to suit its new mission.

"When I came to Panama two years ago, I found an Army component very well designed to defend the Panama Canal against brawlers and rioters, but ill suited for supporting allies in the region," he told the Senate committee. He promptly disbanded the Army's canal-oriented mechanized infantry unit and sent to Washington for experts in intelligence, communications aviation, medicine and construction.

Within a year of General Gorman's arrival, Southern Command had begun to build or enlarge eight airfields in Honduras, using engineering battalions brought in for military exercises. A member of the Senate Intelligence Committee who has toured the installations recently described them as "a pretty sophisticated staging area."

At Palmerola, in the central highlands west of Tegucigalpa, the largest airstrip was dedicated last February. The 8,000-foot, lighted, all-weather runway shimmers like a mirage in the midst of a sprawling military town of wood huts, camouflaged antiaircraft emplacements and repair shops. It can handle any plane the United States military owns, including jumbo C-5 and C-141 transports and high performance fighter planes.

VERSATILE PLANE SOUGHT

Palmerola is home for Joint Task Force Bravo, the American operating arm in Honduras, established in 1983 to train Hondurans, build and maintain shared facilities, organize war games and assist American military missions in the area.

In the last year the buildup has continued. The fiscal 1986 budget, for example, calls for moving to Southern Command a detachment of C-7 Caribou planes, a plane of 1960's vintage that can land on tiny, undeveloped airstrips. General Gorman told the Senate that, whereas 30 airfields in Central America can handle C-130 cargo planes,

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7603

the little Caribou can deliver troops or materiel to some 900 locations.

Much of the more recent activity at Southern Command is not visible at all, involving intelligence-gathering.

In his testimony, General Gorman said that he had built "a very close working relationship with the entire intelligence community" and that he met constantly with Central Intelligence Agency station chiefs in his region.

A Congressional source said that within the last several months the National Security Agency had installed "the best technology we've got" at electronic eavesdropping posts on Tiger Island, in the Gulf of Fonseca near Nicaragua, and other locations.

SUPPLIES OF FUEL IN PLACE

The military has been thwarted by Congress in some of its more ambitious proposals, including a plan for storing bombs and rockets at Palmerola and San Lorenzo, about 40 miles from the Nicaraguan border.

The Southern Command has, however, stored fuel. According to a classified Pentagon report, the Southern Command on Jan. 1 was the only one of the six regional commands that divide responsibility for American military commitments around the globe that had stored 100 percent of its estimated oil requirements.

In manpower, the Southern Command is the smallest of the six commands, with about 9,600 people stationed at various installations in Panama and an average of 1,200 troops in Honduras.

But General Gorman noted that this was deceptive. Southern Command is designed to have a small permanent staff, but to draw troops, in event of conflict, from the United States Readiness Command, based at MacDill Air Force Base in Florida, and the United States Atlantic Command, based in Norfolk, Va., which patrols the Caribbean and the Atlantic.

BEHIND THE WAR GAMES

Getting those forces to Central America has been a central point of exercises conducted over the past two years.

Until 1983, Colonel Hansen, the Southern Command's spokesman, said, the command staged only one sizable exercise a year, an annual drill called *Kindle Liberty* that practiced defense of the Canal.

Since 1983, the Pentagon has added several major war games a year, testing on the playing field of Honduras virtually every wartime contingency that might arise in the region.

In an exercise called *Big Pine III*, completed May 3, the Americans staged Nicaraguan-style tank attacks near the Choleteca gap on the Honduras-Nicaragua border, while Honduran troops practiced defensive tactics. *Universal Trek*, which ended May 5, practiced landings by Marines and paratroopers—and for the first time tested how the Pentagon would handle reporters covering an unannounced military operation.

TROOPS WILL BUILD ROAD

This year's third major Honduras exercise, beginning June 7, will send 1,800 American troops to build a 15-mile road to the airfield at San Lorenzo and practice paratrooper attacks against guerrillas.

Colonel Percy, the Joint Task Force commander, said these war games served multiple purposes, including realistic training of American and allied troops, and served to remind the Nicaraguans of American resolve.

Most of the lessons could be applied to other regions. But the exercises, American officials said, have worked extensively on two abilities that would be essential in a Central American conflict: moving men and

equipment to the region in a hurry and working in tandem with the Honduran Army, which American officials say would be a likely partner in any American military enterprise.

"What you do on the ground is often less important than the preparation for going, getting there an existing," Colonel Percy said.

MILITARY ADVICE PROVIDED

In addition to being host for exercises and training, Southern Command has helped run a gradually increasing program of military aid and advice for Nicaragua's neighbors, El Salvador, Honduras and Costa Rica.

In May, the United States sent 20 Green Berets from the Army Seventh Special Forces in Panama to train the Costa Rican civil guard in basic military skills at a new camp near the Nicaraguan border.

The Defense Department said it was the largest American military training team ever dispatched to Costa Rica, a neutral country that does not maintain an army, and the move prompted protests from some Costa Ricans that the United States was pressing their country to militarize.

THE DEBATE ON INVASION

Whether these preparations are enough to assure American success in any military operation that might arise is still a matter of lively debate.

No one in Government is suggesting that an invasion of Nicaragua is imminent or desirable. Still, in recent weeks senior Reagan Administration officials have for the first time begun openly discussing this as a possibility.

For example, in a speech to the American Bar Association on May 23, Secretary of State George P. Shultz warned members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "they are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of U.S. combat troops."

Interviews with numerous American and foreign government officials in Washington and in Central America indicate that the possibility of United States military involvement in Nicaragua has become a matter of open discussion.

THE FEARFUL ANALOGY

One factor that has caused many Americans to recoil from the idea of direct military involvement in Nicaragua is the Vietnam analogy.

In a conflict with the United States, the argument goes, the Sandinistas would quickly retreat to the hills like the Vietcong—jungle-wise guerrillas—and would draw American troops into a bloody quagmire.

"I think most people think it would be a very messy business, and don't want to do it for that reason," said Mark Falcoff, a Latin American scholar at the American Enterprise Institute who was a consultant to the commission on Central America headed by former Secretary of State Henry A. Kissinger.

In Nicaragua, where an American invasion is a topic of constant speculation, Cmdr. Julio Ramos Arguello, the army Chief of Staff, also said "this would be a kind of Vietnam war."

But a contrary view seems to have gained wide acceptance within the Administration. The view is that an invasion of Nicaragua, however undesirable for political reasons, would not be such a difficult task in military terms.

SANDINISTA DEFICIENCIES NOTED

In interviews, American military officers and other Government officials familiar with the region argued that the Sandinistas

lacked the military skills, the popular base and the supply lines to prolong a guerrilla war in the face of an American invasion.

United States intelligence sources in the region have told their superiors in Washington that major Nicaraguan installations are lightly defended. In the Managua area, for example, an intelligence official said the Sandinistas had 13 potential targets that were protected by antiaircraft artillery, primarily 57-millimeter and 37-millimeter anti-aircraft guns.

"If proper tactics and proper ordnance were applied to those sites, they'd never know what hit them," an intelligence officer said.

This officer and others said that with minimal risk, American pilots could destroy the small Nicaraguan Air Force, radar, artillery, tanks, supply depots and command centers.

According to a source who has discussed the subject with him, Col. William C. Comee Jr., the director of operations at Southern Command, has estimated that it would take the United States two weeks to gain control of 60 percent of the Nicaraguan population.

Colonel Comee, who has overseen war games and other operations in Central America since 1982, declined through a spokesman to be interviewed. In June he will replace Colonel Percy as commander of the Joint Task Force in Honduras.

Another United States political-military officer in the region said the most plausible scenario in the event of a full-scale conflict would be this: "The U.S. would come in heavily for a month or so, mostly with air strikes against major facilities. Then a new government would be put into place, and it would come with its own army."

It would be up to the new government, presumably organized from the existing democratic opposition, to pursue the Sandinistas, several military analysts said.

"The Sandinistas would be up in the hills, but that would be a problem for the new Nicaraguan government," an American officer said. "It wouldn't be our problem. We'd probably have a program like El Salvador, advisers and assistants, but no Americans involved in the fighting."

One United States military officer who has briefed members of the National Security Council asserted that the Nicaraguan people would rise up in support of an American invasion and the neighboring armies would assist the United States eagerly.

In addition, the officer has told senior officials in Washington that the Sandinistas would find the hills inhospitable because their presumed sanctuaries are now inhabited by the rebels and by largely conservative farmers who consider the Sandinistas a threat to their private property rights.

The officer said, "They've lost the support of people in the mountains," the officer said. "They'll get their heads chopped off up there."

Commander Ramos, whose responsibilities include the defense of Managua, said in an interview that this was a dangerous assumption. The initial American assault, he said, would kill thousands of Nicaraguans, uniting the citizenry in their outrage.

Another problem for the Sandinistas, according to several American military analysts, is that Nicaragua has no counterpart of Vietnam's Ho Chi Minh Trail which was used to deliver the Vietcong ammunition and other supplies from the North. In Nicaragua, land supply routes would be through mountainous jungle, while air and sea routes would be policed by American forces.

"We could seal that place tighter than a drum," an American military officer said. Other officials, noting that the United

S 7604

CONGRESSIONAL RECORD — SENATE

June 6, 1985

States had been unable to cut off arms traffic between Nicaragua and El Salvador, were not as confident that blocking arms to Nicaragua would be easy.

American intelligence reports show no evidence the Sandinistas have prepared large caches of ammunition or fuel in the hills, according to one knowledgeable official. Commander Ram6s said: "We do have some things. Not many. Some fuel."

Colonel Percy, commander of the United States task force in Honduras, and other analysts noted that for the United States, the logistics would be much more favorable than they were in Vietnam. In addition to shared facilities in Honduras, the United States has bases in Panama and Puerto Rico, and Nicaragua is a five-hour transport plane flight from the American mainland.

Colonel Percy added a cautionary note. "I've been in the Army 24 years, and I've never seen anything neat."

Other American officials noted that even the 1983 invasion of Grenada, in which Army, Air Force, Navy and Marine units swarmed onto a tiny island, left 18 American servicemen dead and 116 wounded.

Invading Nicaragua, said Senator Sam Nunn of Georgia, who is the senior Democrat on the Armed Services Committee, "would be a much tougher military situation than that."

THE POLITICAL PITFALLS

Many experts say the worst difficulties of a United States invasion would be political rather than military.

One would be assembling a stable government in Managua from the contentious military and political rebel groups. Another would be a possible torrent of refugees into neighboring countries.

A senior Costa Rican official said that in the event of an invasion, his Government would probably issue a statement blaming the Sandinistas for provoking it. But he added: "We will suffer the consequences. We will have the Sandinista leaders in Costa Rica. We will have hundreds upon thousands of refugees. We will have instability."

An a third consequence, some experts say, would be a deep and lasting resentment in Latin America.

"You have to understand the emotional scar tissue left there by our historical involvement in the region," said a former Administration official, who supports the present White House policy. "The political, emotional, psychological cost would be high."

[From the New York Times, June 5, 1985]

NICARAGUA AND THE U.S. OPTIONS: AN INVASION IS OPENLY DISCUSSED

(The following article is based on reporting by Joel Brinkley and Bill Keller and was written by Mr. Brinkley.)

WASHINGTON, June 4.—Reagan Administration officials have begun openly discussing a subject they had previously refused even to speculate about: the possibility that American combat forces might one day be sent into Nicaragua.

No one in Government is saying that an invasion is imminent or desirable. But in the last few weeks, President Reagan, Secretary of State George P. Shultz and other senior officials have for the first time begun warning that if other policies fail, the United States may be left with little choice in the years ahead.

Interviews with almost 50 military, diplomatic and foreign government experts in Washington, Panama, Costa Rica, Nicaragua and Honduras indicate that discussion of the issue has become commonplace in official circles.

The interviews and other inquiries also brought to light these points:

Although no one in Congress has publicly called for United States military involvement in Nicaragua, the mood in Capitol Hill in the last few weeks appears to have shifted sharply against the Sandinista Government. Many members say there is growing doubt that any of the policy options still available, including renewed aid to the insurgents, is likely to bring fundamental changes in the Sandinistas' behavior.

The Administration has agreed that a number of possible situations would leave the United States little choice but to use military force. They include Nicaragua acquisition of high-performance fighter planes and the granting to the Soviet Union of the right to establish a military base in the country.

Both critics and sympathizers of the Sandinistas say they would not be surprised if Nicaragua committed an act that provoked American intervention.

In Central America, American officials and others assert that Nicaragua's neighbors are growing more concerned by the day about the Sandinistas' policies. In Nicaragua, an American official said, business groups and others are asking, "When are you coming?"

In public and in private, the Joint Chiefs of Staff, Defense Secretary Caspar W. Weinberger, the White House national security adviser, Robert C. McFarlane, Mr. Shultz and, most importantly, President Reagan, all have said they hope the United States is never called upon to send American forces to Nicaragua. Still, every official interviewed said that events beyond United States control could change that almost overnight.

CONGRESS IS OPPOSED TO MILITARY ROLE

Without support from Congress, Administration officials agree, military involvement in Nicaragua is most unlikely. Today, Congress remains implacably opposed.

Many members reacted with alarm last month when President Reagan, in a classified report to Congress, said the use of American military force in Nicaragua "must realistically be recognized as an eventual option in the region, if other policy alternatives fail."

In a speech to the American Bar Association on May 23, Mr. Shultz warned members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "they are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of American combat troops."

And in an interview on May 22, Fred C. Iklé, Under Secretary of Defense for Policy, warned that if Congress persisted in what he called "a policy of pinpricks," it raised the risk of "some variant of the Cuban missile crisis."

"What are you going to do two or three years from now, when Nicaragua is fully armed?" he asked. "Are you going to provoke another Cuban missile crisis? Are you going to send in the Marines?"

At the same time, the Nicaraguan Government's reputation on Capitol Hill has soured in the last few weeks.

"The Sandinistas don't have any friends up here any more," an aide to the House Democratic leadership said. "The change has been almost palpable."

SANDINISTA'S TRIP COSTS HIM SUPPORT

A key event behind the change was the trip to Moscow by Nicaragua's President, Daniel Ortega Saavedra. The announcement came on the day the House was voting on renewed aid to the rebels, and many members of Congress said they were stunned by the timing.

Senator Sam Nunn of Georgia, the senior Democrat on the Armed Services Commit-

tee, said: "What he did was rather stupid, from the Sandinistas' own point of view. It certainly cost them support up here."

The clearest demonstration of the changed view is that both houses are now considering renewed aid to the Nicaraguan rebels, even though the House refused to approve aid in any form just a few weeks ago.

So far, however, Congress has shown little interest in granting the type of aid the Administration says is most needed—military aid. And Gen. Paul F. Gorman told Congress in February that, even with renewed military aid, the rebels could not be expected to change the Sandinista Government "in the foreseeable future."

The next most likely step, several officials said, is the ending of diplomatic relations with Managua.

"I think that is going to happen," said Senator Richard G. Lugar, the Indiana Republican who is chairman of the Senate Foreign Relations Committee. "But I don't know how soon."

If relations were ended, "then we might recognize a government in exile," Mr. Lugar said, referring to an idea that has been discussed among Administration officials.

A senior official in the region said "we could permanently station U.S. forces" in Honduras. If that fails, the official added, "I guess the strategy would be a policy of containment," meaning heavily arming Nicaragua's neighbors. But Mr. Iklé said, "We know from experience that that doesn't work."

THE CHANGES DEMANDED BY THE ADMINISTRATION

In general, the Reagan Administration has demanded that Nicaragua demilitarize, cut its ties with the Soviet Union and Cuba and change its form of government to a pluralistic democracy.

But many officials in both the Nicaraguan and United States Governments believe the prospects are remote that the Sandinistas will adopt policy changes that would be satisfactory to the United States.

"They are hellbent on pursuing their policy," Mr. Iklé said. "The idea that you can strike a deal with them seems unrealistic."

In a speech in April, Nicaragua's President, Daniel Ortega Saavedra, said: "The United States still doesn't understand that this is an irreversible revolutionary process. Here, there can be no backward steps."

Senator Lugar said some members of Congress already believed that "the time for redemption is past" and that "a Marxist government can't reform."

In the months and years ahead, a Senate aide said, if further diplomatic sanctions are tried and fail, the military option may seem more tempting. "If you try everything and none of it works," he said, "then eventually you have everyone nibbling at the same bait."

WHERE THE U.S. DRAWS THE LINE

Asked under what circumstances the United States might attack Nicaragua, American and Nicaraguan officials say the line is most clearly drawn against the acquisition by Nicaragua of high-performance warplanes.

Last November, American officials said that they suspected Soviet-made MIG-21 jet fighters were aboard a cargo ship bound for Nicaragua and that they would probably order what they called a "surgical" air strike to destroy the planes.

If the planes were aboard the ship, they were never unloaded. But when asked this month if the Nicaraguan Government had given up the idea of acquiring MIG's, Cmdr.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7605

Julio Ramos Arguello, chief of intelligence for the Nicaraguan Army, said simply, "No."

At the same time, American officials say they have not dropped the threat to destroy any such planes and in fact they have broadened it to include Czech-built L-39 jet training planes and similar aircraft.

The idea is that American warplanes would destroy the new planes and try not to hit anything else. Then in theory the attack would end. But a senior Administration official said: "I've never been able to see how that kind of phased operation stops because it sets off an action-reaction. If we hit the airport and maybe kill 80 or 90 people, they could come at the embassy."

In Managua, Commander Ramos said, "If the airplanes arrive, and if they bomb us, obviously we will be doing something about it."

Another circumstance would be the establishment of a Soviet-bloc military base in Nicaragua.

A senior Administration official said: "Access for Soviet Backfire or Bear bombers, port rights—any kind of Soviet military access, even without the presence of weapons systems. That would be a threshold." Nicaraguan and Soviet officials say they have no such plans.

ADMINISTRATION FEARS "A SECOND CUBA"

Still another circumstance, Administration officials say, would be the consolidation of Nicaragua's Government into what Administration officials often call "a second Cuba," meaning a heavily controlled, Soviet-bloc dictatorship that actively promotes Marxist revolution elsewhere.

A senior American diplomat in the region said, "Above all, Ronald Reagan is a consummately pragmatic man" who would not use force if the circumstances did not warrant it.

But Mr. Iklé said, "Even members of Congress say they are not going to permit a second Cuba."

With "a second Cuba," Senator Lugar said, "we might be invited" by Nicaragua's neighbors to invade "as we were invited in the East Caribbean." Before the invasion of Grenada in October 1983, the leaders of several Caribbean island-nations formally requested American military intervention.

HOW ITS NEIGHBORS VIEW NICARAGUA

"In public and private," Senator Nunn said, the other countries of Central America "would be strongly opposed" to an American invasion of Nicaragua.

But many American military and diplomatic officials and others in the region have reported a different view to their superiors in Washington.

A senior diplomat in San José asserted that "an awful lot of Costa Ricans" would in fact welcome an invasion.

A Costa Rican official who opposes the idea acknowledged that his Government probably would not condemn it. If the United States invaded, he said, his Government would issue a statement "saying something like it is unfortunate that the Cuban and Soviet advisers were invited in, and that the Sandinistas provoked it."

Costa Rica's Public Security Minister, Benjamin Piza Caranza, said, "There's no way we can live with a Marxist-Leninist state on our border that is open to exporting revolution." But he declined to speculate about how his country would react to an American invasion.

In Honduras, President Roberto Suazo Córdova has been quoted as saying that Nicaragua is "like a cancer: the only cure is to cut it out."

There is also a large and growing body of opinion within the Administration that the majority of Nicaraguans would welcome an

American invasion, several American officials said.

An American intelligence officer who has interviewed dozens of people in Nicaragua said: "What the people tell me is 'we'd get out of your way and let you take care of the Sandinistas'" if American troops landed. The biggest problem United States forces would face, he added, would be preventing "severe retribution" against Sandinista officers.

POLLING THE PEOPLE ON MANAGUA STREETS

This officer has been called upon to brief numerous senior Administration officials on his views, including Mr. Weinberger, Mr. McFarlane and Gen. John W. Vessey Jr., the Chairman of the Joint Chiefs of Staff. Representative Glenn English, an Oklahoma Democrat who opposes some elements of the Reagan Administration's policy in Nicaragua, said the officer had briefed him too, but Mr. English was skeptical. So while in Managua this month, he and Senator David L. Boren, another Oklahoma Democrat, interviewed about 15 Nicaraguan citizens they chose at random on the streets.

"They were pretty strong on condemnation of the Government," Mr. English said. "Virtually all of them said they wanted a change in Government, and one lady said flat out, without being asked, that she wanted the U.S. to invade."

A spokesman for the Sandinista Government, Maria Christina Arguello, said: "They may criticize the Government now because of the economy and the shortages" of food and other items. "But when there is an emergency, you can be sure they will take up arms."

WILL THE NICARAGUANS PROVOKE AN ATTACK?

It is difficult to find anyone, friend or foe of the Nicaraguan Government, who is confident the Sandinistas will not make a miscalculation that could lead to a military confrontation with the United States.

Sandinista officials have said they are being careful not to give the United States a pretext to attack.

But Edward L. King, a retired Army lieutenant colonel who opposes Reagan Administration policy in Nicaragua and has spent months there talking to numerous Sandinista officers, says he believes "the chances are pretty good" that Nicaragua will err in a manner that could lead to an American military response.

The view of Mr. King, who has wide military and civilian experience in Latin America, is noteworthy because he knows the Sandinistas well and because they say they trust him. After observing them, Mr. King said, he has concluded that "some of them hate us so much they almost have a death wish."

Some members of the Sandinista leadership, he added, "almost want a confrontation with us." "The hotheads say, 'Yeah, bring the gringos in here' just so they can kill a few of them."

"I make no case for the Sandinistas," Mr. King said. "They are real blunderers."

An American official with wide experience in Nicaragua said it was "martyrdom," not blundering, that might cause the Sandinistas to prompt the United States to invade.

"I think it is their sense that the revolution is bogged down anyway, and maybe it wouldn't be such a bad thing if they could survive" an invasion "and be a legend."

In Managua, Sandinista officials say all such speculation is nonsense. Commander Ramos and others said the Nicaraguan Government was interested in negotiation with the United States, not military confrontation.

Mr. KENNEDY. Mr. President, these are the words and deeds of a

government preparing to do what is necessary to achieve its objectives in Nicaragua—including sending U.S. combat troops to war.

Now the administration has repeatedly stated it has no intention of sending U.S. combat troops into Central America. The Secretary of Defense has told us that the Defense Department has no plan, no strategy, no thought of putting U.S. combat troops in Central America. We are all encouraged by such statements and would like to believe them.

But the facts give us cause for concern.

First, U.S. military assistance to the countries in the region has grown by leaps and bounds over the past 5 years.

Second, the United States has built an immense military infrastructure in Central America that is clearly intended to support the deployment of thousands of American troops in the region.

Third, the United States has conducted perpetual military maneuvers in Central America, involving as many as 5,000 military personnel in the Big Pine exercises.

Fourth, the United States has actively intervened in the internal affairs of Nicaragua not only through our support of the Contra operations but also with direct action by Americans. We learned, for example, that the Defense Department consciously sought to intimidate the Nicaraguans, to make the Nicaraguans think that the United States was on the verge of invasion. A senior State Department official confirmed that there was a perception management program at work and said, "Every time there's an invasion scare, they make some concessions. We learned that American surveillance aircraft flew over Managua with the specific purpose of causing sonic booms to scare the Nicaraguans."

Another official stated that one of the central purposes of the military exercises was to create the fear of an invasion. He said that the troops "push very close to the border, deliberately, to set off all the alarms."

We also learned from a report that appeared in the Wall Street Journal last March that CIA personnel were directly involved in attacking and mining Nicaragua's harbors, that, in air and sea raids, Americans flew and fired directly on Nicaraguan positions, and that a CIA plane provided sophisticated reconnaissance guidance for attacks by Contra helicopters.

The conclusion is unmistakable: This administration is preparing for war in Nicaragua. We are systematically placing U.S. ships, planes and personnel in harm's way, by injecting them into situations where, directly or indirectly, they are increasingly involved in the hostilities. The trend is clear, and the Reagan administration's aims are similarly clear, I do not think

S 7606

CONGRESSIONAL RECORD — SENATE

June 6, 1985

that the United States should send its soldiers into Central America for the purpose of fighting a war unless Congress and the American people have been consulted and given their approval in advance.

I offer an amendment that will correct this situation by prohibiting the introduction of U.S. Armed Forces into or over Nicaragua for the purpose of combat without advance approval of Congress.

This amendment reflects the deep and growing concern of the American people that this administration is taking us to war in Central America.

As stated in the amendment, the word "combat" means "the introduction of U.S. Armed Forces for the purpose of delivering weapons fire upon an enemy." U.S. Armed Forces are not precluded from conducting military training in El Salvador. Nor does the amendment limit flights by American military aircraft in the region carrying out reconnaissance activities. Only the introduction of U.S. Armed Forces for the purpose of delivering weapons fire upon an enemy is prohibited.

The amendment does not apply in all circumstances. The exceptions are clearly stated:

This prohibition does not apply if Congress has declared war or enacted specific authorization for such introduction.

The prohibition does not apply when such introduction is necessary to meet a clear and present danger of hostile attack upon the United States, its territories or possessions.

The prohibition does not apply when such introduction is necessary to meet a clear and present danger to, and to provide necessary protection for and to evacuate, U.S. Government personnel or U.S. citizens.

The amendment leaves to the President the determination of when force is necessary under the circumstances I have just listed. The amendment thereby preserves the President's authority to respond to threats to the United States, its embassies, personnel, and citizens.

A number of my colleagues have expressed concern about how this amendment affects the War Powers Resolution. We know at the current time that if the President of the United States decides to send American troops into combat in Nicaragua, he is free to do so and would only have to notify the Congress under the procedures of the War Powers Act. He would then be able to maintain those troops for a period of 60 days. What this particular amendment provides is that, prior to the involvement of American combat troops in combat, as defined in the amendment, the President must obtain positive approval, by the Congress before sending those troops. We are simply asking that the Congress be permitted to act prospectively, not after the fact.

I believe, Mr. President, that given the factual situation—the escalation of

American involvement in the region with more and more U.S. military personnel in that area and with the kind of activities that I mentioned earlier in my statement, that it is important that we, the Congress, play some role in the decision before American combat troops are sent to Nicaragua for the purpose of delivering weapons fire upon an enemy.

President Reagan has stated that he has no intention of introducing U.S. Armed Forces in Central America for combat. And he has promised to consult with Congress before taking any such action if such action is needed. This amendment simply takes the President at his word and puts into law what has been stated as the administration's official position.

This amendment will not affect the activities of the current military advisers assigned to El Salvador, nor their role in assisting in the training of the Salvadoran military. It will not limit the current reconnaissance flights by U.S. military aircraft in the region. It will not limit the ability of the U.S. Naval or Air Forces in the high seas or in the air to monitor Soviet or other naval activities of concern to our Armed Forces.

It will not inhibit any duly authorized military operations currently under way in Central America or elsewhere in the Caribbean. It will in no way limit our treaty obligations in the region, or in the hemisphere and it will allow the President to use U.S. combat forces to eliminate any threat he deems is a clear and present danger to the United States, and under this legislation, it will not in any way limit the President's power to defend our vital security interests, to use U.S. combat forces for example in a preemptive strike against any missiles that might be introduced in Central America by the Soviet Union.

It will not inhibit the President in his power to use U.S. combat forces to protect American lives. Under this legislation, for example, the President would have been justified in using the U.S. combat forces to intervene in Grenada.

Mr. President, a similar amendment carried overwhelmingly in the House last year. While it was defeated last year in the Senate, I think the situation in Central America has become dramatically worse. I think Congress should be involved in the takeoff, and not just in the landing, when American troops are to be sent into combat.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. LUGAR. Mr. President, I appreciate the arguments of the distinguished Senators from Oregon and Massachusetts. I take as a point of departure the final comment of the Senator from Massachusetts that, with affairs in Central America moving adversely, the amendment that he and Senator HATFIELD have suggested ought to be adopted. I would argue

and have argued earlier that in fact the trend of affairs in Central America has gone well for this country. It is a remarkable to consider the progress found in El Salvador, when so many persons on the floor of this Senate and elsewhere argued that our involvement simply would come to know good, that human rights would be violated, that democracy was impossible, that we were in danger of involvement of American troops and forces. In fact a constituent election has been held, a President has been elected, and democracy is infinitely stronger today.

It can be argued, I suspect, with less force that democracy in Honduras and even the beginning of democratic institutions in Guatemala, have proceeded and that the policies we have adopted as an administration and a Congress have helped. Others would argue that the people in El Salvador, Guatemala and Honduras have helped themselves; that perhaps the great heroes are persons in those countries who value freedom and value democratic institutions.

I respectfully would suggest that it is that this amendment—in the context of all that has happened and all that is being called for—should not simply draw out of context the thought of a demand that we proceed to the negotiating table in bilateral negotiations with Nicaragua or that in a unilateral fashion we declare that this body must act before the President has the power to use American military forces in Nicaragua. Given all the exceptions, I would grant, that are part of the amendment, these are steps that are unwise in the unfolding of our foreign policy and the unfolding of any potential success of negotiations.

Let me point out that, in the earlier comments that I made with regard to Dodd amendment, I pointed out that negotiations and support of the democratic forces in Nicaragua are not incompatible. As a matter of fact, they move together. I would suggest that negotiations without support of the Contras, of the forces that are attempting as Nicaraguans to bring about democracy in that country, those negotiations are not likely to be very productive.

The Senator from Colorado asked the Senator from Indiana about negotiations, their possibilities of success, and we went back and forth as to the probable results of those negotiations. None of us know. But I would say that, in the Nunn-Lugar amendment we will be considering later on this afternoon, we encourage the President to enter into negotiations.

I will state the exact language. We encourage simultaneous negotiations to implement the Contadora document objective, to develop close consultation and cooperation with other nations within the region and outside the region. We ask the President to pursue vigorously the use of diplomatic and economic measures to resolving the

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7607

conflict, including simultaneous negotiations.

In short, I think we will find a larger majority of Members of this body are in favor of negotiations within context. But let us try to find the source of negotiations that must happen. I suppose we are all concerned with the peace process in the Middle East presently, and thinking through how that might move to a settlement. And I pick that particular analogy because it is topical and it is useful. Negotiations are a complex business. To throw out a cliché, "Let peace have a chance, let negotiations have a chance," is meaningless without the context of why anybody wants to talk.

To suggest unilaterally that the President ought to get right to it, send the Secretary of State and others down there to negotiate, without any reasonable assurance that there is anyone in Nicaragua that wants to negotiate, that wants to move off the dime, is an exercise in futility. It is fatuous on the face of it. There is a good sound to it. None of us want war. Everybody wants peace. The suggestion is go negotiate. Now negotiations occur successfully, at least as opposed to simply parties meeting without having a whole lot to say, if there is some reason for movement.

The point the Senator from Indiana will make today is that, as the Senator from Massachusetts has described it so well, six meetings have occurred in Manzanillo without movement. The Secretary of State has testified publicly and privately that the Sandinistas do not have the slightest reason to move in any direction and indeed they do not. To send the Secretary of State to Manzanillo again and to have done nothing to have assisted the freedom fighters to have put pressure upon that situation is not only to invite futility in the negotiations but I think incredulity as to why we are involved in the action at all, aside from the clichéd thoughts of giving peace a chance and talk is better than war and what have you.

The negotiations that must occur are within Nicaragua—Nicaraguans with Nicaraguans. For us to believe for an instant that the significant negotiations are bilateral ones between the United States and Nicaragua is to believe the Nicaraguan argument which is an invalid one. The Sandinistas do not want to talk to freedom fighters. Marxists do not want to talk to people who want liberty. That is what it boils down to.

Those are the negotiations we should be urging, if the Senator from Massachusetts and the Senator from Oregon were saying:

Let's mandate that the Sandinistas meet with the freedom fighters. Let's mandate a truce and a cease-fire. Let's mandate that people stop shooting each other and that they provide for at least two parties for free elections, for freedom of the press, for some kind of a country that does not threaten everybody around.

The argument I have heard thus far from the Senator from Massachusetts would imply that the United States is the aggressor, that the Sandinistas are hapless persons upon whom we are preying, and the gist of the amendment is to ask us to cease and desist, to let these persons proceed with whatever they want to do in consolidating Marxism in a totalitarian sense in their country, in threatening El Salvador, Honduras, or Costa Rica, without an army or anybody around, to proceed if they wish to, for that matter, deal with any and all countries of the world in terms of the buildup of military assistance. The Senator from Massachusetts says that in the event you see Migs there, Soviet Migs, might be a time to act, that might be an exception. That would be a terrible time to have to act, having failed to put the pressure that ought to be placed upon that regime now so there is not doubt on the part of the Soviet Union.

If the whole gist of the Senate is to micromanage our foreign policy to indicate to the Secretary of State that regardless of his judgment as to how negotiations might prove successful or which ones might prove successful and in what context, that he is to go anyway, that is our mandate, that is not a very good way to handle foreign policy and, as a matter of fact, in this case is bound to be unsuccessful.

What the Senator from Indiana is suggesting is that negotiations might be successful if, in fact, the Sandinista government has some reason and realpolitik to want to talk. And I think they might have some reason.

The reasons are basically that their economy is shot. The standard of living is declining very rapidly. Our Ambassador to Nicaragua testified before the Foreign Relations Committee that what was already an \$800 per capita income in Nicaragua—on an annual basis—has fallen to \$500 in the last 2 years. That does not approach Bangladesh at this point but it is moving rapidly in that direction. The Sandinista economy has been a disastrous failure. The Sandinista government says, well, we are at war. We are devoting our resources to fighting off the Contras, and indeed they need not fight off persons who were involved in their own revolution. The Marxists have no more claim to that revolution than does Arturo Cruz or various other persons who are in favor of democracy and not of Marxism. There is every reason if we are to put pressure on this body for negotiations that we say loudly and clearly to the Sandinistas it is time for you to cease fire and talk to your own people to try to recover the pledges you made to all the neighbors around, the OAS, and to the rest of the world. Why we apologize for our activities which try to bring about democracy and freedom I cannot imagine. There is no reason to do so.

Let me suggest that to unilaterally call upon the United States to negoti-

ate out of the context of the Contadora process, of internal talks in Nicaragua, is simply to ensure once again an impasse which leads I suspect to two courses of action, and neither is desirable. One was suggested by Senator Dobb this morning, and that is we just withdraw. The Senate has spoken on that 79 to 17. The other, of course, if you have futility of negotiations, then the Senator is correct. People then get onto more vigorous measures, and more difficult measures. That is not the policy of the President of the United States. The Senator of Massachusetts characterized President Reagan correctly in his statement that we do not want American forces in Nicaragua, and we do not want them in Central America at all in a combat status. We do want to help people who want to help themselves. That is what we are about.

Let me suggest with the second half of the amendment, namely, that which suggests that the United States could not proceed to have armed forces in that area without specific action of the Congress that the War Powers Act which the Senator from Massachusetts has cited does cover a number of possibilities. The War Powers Act was adopted by the Congress because chief executives in a dangerous world sometimes must act rapidly for the security of all of us. Persons who are preoccupied with this question must still admit that the President must be our major foreign policy spokesman. This is an administration function, with the advise and consent of the Senate. The War Powers Act tightened that up a good bit. It said notwithstanding any emergencies, any of the ways in which our President must act, within 60 days there has to be an accounting for this. If you have not declared war within 60 days you will have to do so. There is some latitude given in a dangerous world to the President of the United States, and that is the way it ought to be.

This amendment changes the War Powers Act rather significantly. As a matter of fact, it obliterates the War Powers Act and says before the President in the case of Nicaragua can move there has to be affirmative activity except with the exceptions noted in the amendment.

I have noted the exceptions, and they are important ones. Among this list I would have thought would have been our obligations under the Rio Treaty of 1947—if for example, Nicaragua attacks Costa Rica, or if Nicaragua is involved with war with Honduras. These are not far-fetched situations. In recent days there is evidence that Nicaragua has in fact been found attacking persons in neighboring countries. The Sandinistas would claim it was in hot pursuit of Contras or for various other reasons. Be that as it may, the dangerous situation presented by an aggressive force, a revolution

S 7608

CONGRESSIONAL RECORD — SENATE

June 6, 1985

without borders, a group of people who have never been able to settle down within their own territory but have constantly been meddling in trying to subvert their neighbors and felt that was simply their own form of democracy in action—it seems to me that the Senator from Massachusetts would need to contemplate other activities in which clearly we have an obligation and the Rio Treaty would be one of these.

But I suggest beyond that, to begin once again micromanaging American foreign policy before the U.S. Senate, there could be no movement in what is a vital security interest of the United States as perceived by the President, or by the Contadora group, or the OAS, or any number of people that might meet. It is not a good idea. The surface appeal—the thought that giving peace a chance, negotiate now, no troops in Nicaragua, the clichés of this amendment are all over it—is evident. But in terms of sound foreign policy, it is simply lifted out of the context of what is occurring, and stands history in Central America on its head.

The malfactors in this case are a group of Marxists who have seized a revolution from persons who believe in freedom. That is fundamental, and that is where the negotiation ought to be occurring. To try to turn this on its head, see the United States as the malfactor, to be encouraging from the floor of the Senate at a time that the Sandinistas are involved in what they are doing that we ought to rush to the table, and that we ought to tie the hands of the President is simply in my judgment unsound policy. And I hope the Senate will reject both parts of the amendment.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the view of the chairman of the Foreign Relations Committee. I have a great deal of respect for his understanding of world history, for his knowledge of the Constitution of the United States, but also for our responsibilities to stand up to our constitutional responsibilities.

But, Mr. President, I read the Constitution of the United States somewhat differently from the chairman of the Foreign Relations Committee. I read the Constitution of the United States to say that the power to make war resides in the people's elected officials in the Congress, in the House and in the Senate of the United States. I only suggest to the chairman of the Foreign Relations Committee that the American people ought to have a voice, ought to be able to express their views before sending their sons to the jungles of Central America, and that this should not be a unilateral decision made by the President of the United States. I think the American people ought to be able to have a voice, ought to be able to express their views in the

Congress of the United States. And, I cannot believe that the chairman of the Foreign Relations Committee is willing to give all of that authority to the President, to allow him without consulting Congress to send the sons from his own State of Indiana to fight in the jungles of Nicaragua. I want to make it very clear that this Senator from Massachusetts is not prepared to give up that authority and that responsibility to this President of the United States nor to any President of the United States.

I failed to speak on the same issue some years ago on the Gulf of Tonkin resolution, and I am not going to commit that mistake twice, Mr. President. We heard almost similar arguments on the floor of the Senate at the time of the Gulf of Tonkin resolution—such as “Let the President of the United States decide these matters.” “How are we going to have the kind of information in the Senate of the United States that the President will have?” “Let the President make those decisions; he is going to have the knowledge, the information, and he is going to have the briefings from the NSC and the Joint Chiefs of Staff.”

But Congress made a mistake when it accepted those arguments. Fifty-five thousand deaths and hundreds of thousands of wounded Americans paid a fearsome price for the failure of the Senate to, as you call it, “micromanage” that particular incident.

Mr. President, this amendment is not about all of Central America. This amendment is targeted on Nicaragua. We have had a whole series of events during the last 3 years—many of which this body has authorized—with regard to Nicaragua—not Costa Rica, not Honduras, not Guatemala, but with regard to Nicaragua.

We have heard statements, including statements from the Secretary of State, talking about the possibility of the introduction of American troops in Nicaragua—not in Costa Rica, not in Mexico, but in Nicaragua.

So this amendment is directed toward Nicaragua. That certainly ought to be understood on its face.

We see that people are dying in Nicaragua, and we see increasing involvement, increasing American participation in that conflict. I hold no brief for the Sandinista government. I recognize that the Sandinistas share responsibility for the conflict within the area and within the region.

But the question comes back once more, Mr. President: Before we resort to the use of force, before we send American military combat troops, should we not at least make one additional effort at diplomacy.

My understanding of the Manzanillo talks is somewhat different from the understanding of the chairman of the Foreign Relations Committee.

I had briefings on those negotiations. I do not intend, however, to divulge the content of those conversations because they were confidential. I

am sure the chairman of the Foreign Relations Committee had briefings as well.

But I can give the assurance to the Members of this body that Manzanillo talks were not as empty and valueless as the Senator from Indiana has suggested.

The Senator from Indiana has included in his own resolution a section urging the President to go back for further negotiation with the Sandinistas and wisely so. I gather that the principal difference he makes between his urging and our urging involves the other different provisions of his amendment.

But whatever the circumstances, whatever the framework, I hope the Secretary of State will resume those negotiations. We have a President of the United States who says he is prepared to meet with Gorbachev. Perhaps Senator LUGAR can tell us what greater sense of hope he has about that conversation, based upon our President's statements about Gorbachev and Gorbachev's statements about the President of the United States, as opposed to his lack of hope about talking with the Sandinistas.

We have had negotiations with all the Eastern European countries on MBFR. We have also had negotiations with Fidel Castro about Cuban families in the United States and the reentry of certain Cubans back to Cuba following the Mariel boatlift. Why not talk to the Sandinistas?

We have people dying in Nicaragua every day, and there is a real danger of American involvement in the form of American combat troops in the future—not according to this Senator from Massachusetts but according to this administration's Secretary of State.

So there is a sense of urgency, Mr. President, that propels some of us in this body to offer what constructive suggestions we might have to try and see if additional steps can be taken to make sure that if direct U.S. involvement is to occur, Congress will be consulted.

Mr. President, I would hope that the Senators will be able to support this amendment. It simply urges a resumption of talks—that is not micromanagement—and it makes it possible for Congress to speak and to vote before we send our sons to the jungles of Nicaragua, and I do not believe that is micromanagement.

I would hope this amendment will be agreed to.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, as I was occupying the chair, I listened to the Senator from Oregon talking about the power of war. This is something which has deeply concerned me ever since this body unwisely passed the War Powers Act. I would like to

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7609

read from the Constitution the powers of Congress.

We have the power to declare war. What does that mean? Just what it says. The President has called the troops out, I think, 202 times in the history of our country and there have been five declarations of war, two of those in the same war. We could declare war here all day long. But only the President of the United States, under his power as Commander in Chief, can send troops into war. If we want to declare war, then, it is a nice thing to do and one that the President, I think, would always enjoy having done.

We can grant Letters of Marque and Reprisals and make rules concerning captures on land and water.

We raise and support armies but no appropriation of money to that use shall be for a longer term than 2 years.

To provide and maintain a navy.

Here is one we have sadly overlooked our responsibilities in: It has been since 1922 since we exercised this power, to make rules for the government and regulation of the land and naval forces.

I can promise my colleagues that the Committee on Armed Services is working on that right now.

Now let us look very quickly at the power of the President. I have to admit that this has never been really clearly defined in the Constitution. The Supreme Court has always refused to make a determination of this because, as they rightly say, in my opinion, if we have a situation where the executive branch and the legislative branch can make a decision, there is no need for the Court to get into it.

Section 2:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He may require the opinion . . .

And so forth and so on.

But only the President, Mr. President, can send our troops to war. If it is the feeling of Members of this body, in the Senate or in the House, that only the Congress should have that power, then I suggest, Mr. President, that we prepare a constitutional amendment and put it up to a vote of the people. I do not think the American people want 535 people guided by 535 different sources of strength making the decisions concerning power in this country. The great strength of this country, up until recent times, has been the fact that the President has the right to formulate foreign policy, with the advice and consent of this body, and has the power of the troops to back that up.

I think we are treading on very dangerous ground when we keep bringing up amendments and talking about the power of this body or the other body to send troops into war. There is no constitutional authority for it at all.

I thank my friend from Indiana for yielding.

Mr. LUGAR. Mr. President, I wish to yield time to the Senator from Minnesota. How much time does the Senator want?

Mr. DURENBERGER. I shall take only 30 seconds.

Mr. LUGAR. I yield 1 minute.

Mr. DURENBERGER. I thank the Senator from Indiana.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment of the Senator from Massachusetts.

I do so because it is my belief that the amendment begs the issue of the real and present danger that the Sandinista regime poses to its Central American neighbors, not to the United States. No one would reasonably claim that the United States is in immediate danger of a Sandinista invasion from the south. Yet, this amendment demands an immediate response on our part to any hostile attack upon the United States, its Embassy in Managua, or its citizens in Nicaragua.

Simply stated, I do not feel that this amendment addresses the real question. The threat of the Sandinista regime to the United States is not the immediate security problem involved here. Rather, the issue is whether the emerging democracies in Central America are immediately threatened by the aggressive and hostile actions of the Sandinistas. I would respond strongly in the affirmative.

In the past week, we have seen at least three clear indications of the Sandinistas' plans for their neighbors. During this time, the Sandinistas have launched cross-border incursions using substantial forces against their neighbors, the Costa Ricans and the Hondurans. Yet, the Sandinistas immediately rushed before the international media to claim that they, amazingly enough, were the aggrieved party. Their obvious hope is that few people outside Nicaragua will care to look into the facts of these examples of Sandinista aggression.

By shifting the focus of the Sandinista threat away from the Central American nations and onto the United States, Senator KENNEDY has missed the real issue. This debate should instead be one which states this country's willingness to do whatever is necessary to restore democracy to Nicaragua and to recapture the democratic spirit and the broad popular support which characterized the 1979 Nicaraguan revolution. I believe that Senator LUGAR has made a critical point—the Sandinistas will negotiate only when they believe that it is to their advantage or when sufficient pressure has been exerted upon them. Last week, during my visit to Central America, this point was hammered home to me by nearly all of the Central Americans with whom I met. Conservatives, liberals, socialists, businessmen, religious,

and campesinos all stressed that only the United States possessed the sufficient capability to bring the Sandinistas to the negotiating table with the Nicaraguan democratic opposition. Not the Sandinistas' neighbors. Not the Contadora group. Not the Organization of American States.

Clearly the only effective negotiations will be those which consider all of the factions currently embroiled in the Nicaraguan civil war. Still, the Sandinistas have steadfastly refused to negotiate in good faith with any element of the opposition. Just last week, for example, the Sandinistas inexplicably broke off negotiations with Brooklyn Rivera's Misurasata group. This week, the Sandinistas showed their complete disinterest in a democratic and peaceful resolution of the conflict with the Miskito peoples by turning their guns on Rivera's Miskito warriors.

How can we let the Nicaraguan democratic opposition stand alone when we know that the Sandinistas will negotiate only in bad faith? We have seen this demonstrated at the bilateral Manzanillo talks and at the multilateral Contadora negotiations. In my view, talks are useful when the negotiating parties are serious about negotiations. I have seen no firm evidence that the Sandinistas have acted with any seriousness in any of these processes. I therefore see no reason why we should enter into bilateral negotiations with a regime which has no intention of negotiating with the real aggrieved party in this dispute, the Nicaraguan people.

The Senator from Massachusetts talked about sending our sons to Nicaragua. Three Members of the body have sons graduating from high school in 15 minutes. I am more than a little upset, I suppose, as one who has spent more time, or at least as much time as anybody in the body, dealing with this issue at the fact that a lot of rhetoric kept us from dealing with this issue yesterday. Now, somehow, this process has chosen this particular moment in my life to make me make a decision about being with my son or being with an issue I care a lot about. I intend to take the option of being with my son.

I hope that, somewhere in this institutional process, someone would have the consideration to postpone any further votes on this amendment until after approximately 4 o'clock.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I believe it would be appropriate to move to the vote for a number of reasons. I shall yield back all the time on my side unless others are prepared to debate. I think the issues have been well stated.

I say this in conclusion: Obviously, the Senator from Indiana does not want to send young men from Indiana or Massachusetts or Minnesota to war. As a matter of fact, the whole process today is one in which we try to divine

S 7610

CONGRESSIONAL RECORD — SENATE

June 6, 1985

how to make certain we will have peace in our hemisphere and safety for our people. I think that is clear. The question is the matter of the context and the tactics of how negotiations might work and what the proper powers of the President and the Congress are.

I think we have had a good debate. I hope that both parts of the amendment will be defeated.

I yield back all the time on our side. Mr. KENNEDY. Mr. President, if the Senator would withhold on that, I want to yield 3 minutes to the Senator from Colorado [Mr. HART].

At this point I wish to indicate to the Senator from Minnesota that control over the timing of this measure today was not in the hands of those of us who are calling up this amendment. I am happy to give the Senator from Minnesota a live pair on this amendment if he wants to be with his son this afternoon.

Mr. LUGAR. Mr. President, does the Senator from Massachusetts have time remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes and 30 seconds remaining.

Mr. KENNEDY. The Senator from Massachusetts yields to the Senator from Colorado.

Mr. HART. I shall not even take that time if the Senator from Minnesota is trying to vote and go some place else. Is that the case?

Mr. DURENBERGER. Yes, Mr. President.

Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to division 1 of the amendment of the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alabama [Mr. DENTON], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I also announce that the Senator from North Carolina [Mr. EAST], is absent due to illness.

I further announce that, if present and voting the Senator from Alabama [Mr. DENTON], and the Senator from Wyoming [Mr. WALLOP], would each vote nay.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 48—as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—48

Baucus	Chiles	Gore
Bentsen	Cranston	Harkin
Biden	DeConcini	Hart
Bingaman	Dixon	Hatfield
Boren	Dodd	Heinz
Bradley	Eagleton	Inouye
Bumpers	Exon	Johnston
Burdick	Ford	Kennedy
Byrd	Glenn	Kerry

Lautenberg	Mitchell	Rockefeller
Leahy	Nunn	Sarbanes
Levin	Packwood	Sasser
Mathias	Pell	Simon
Matsunaga	Proxmire	Specter
Melcher	Pryor	Weicker
Metzenbaum	Riegle	Zorinsky

NAYS—48

Abdnor	Grassley	Moynihan
Andrews	Hatch	Murkowski
Boschwitz	Hawkins	Nickles
Chafee	Hecht	Pressler
Cochran	Heflin	Quayle
Cohen	Helms	Roth
D'Amato	Hollings	Rudman
Danforth	Humphrey	Simpson
Dole	Kassebaum	Stafford
Domenici	Kasten	Stennis
Durenberger	Laxalt	Stevens
Evans	Long	Symms
Garn	Lugar	Thurmond
Goldwater	Mattingly	Trible
Gorton	McClure	Warner
Gramm	McConnell	Wilson

NOT VOTING—4

Armstrong	East
Denton	Wallop

So division 1 of the amendment (No. 272) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the division 1 amendment was rejected.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to division 2 of the amendment of the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. Mr. President, on this vote I have a pair with the distinguished Senator from Minnesota [Mr. DURENBERGER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alabama [Mr. DENTON], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 64, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—31

Andrews	Hart	Mitchell
Baucus	Hatfield	Pell
Biden	Inouye	Proxmire
Bingaman	Kerry	Riegle
Burdick	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
Dodd	Levin	Simon
Eagleton	Mathias	Stafford
Exon	Matsunaga	Weicker
Gore	Melcher	
Harkin	Metzenbaum	

NAYS—64

Abdnor	Goldwater	Murkowski
Bentsen	Gorton	Nickles
Boren	Gramm	Nunn
Boschwitz	Grassley	Packwood
Bradley	Hatch	Pressler
Bumpers	Hawkins	Pryor
Byrd	Hecht	Quayle
Chafee	Heflin	Rockefeller
Chiles	Heinz	Roth
Cochran	Helms	Rudman
Cohen	Hollings	Simpson
D'Amato	Humphrey	Specter
Danforth	Johnston	Stennis
DeConcini	Kassebaum	Stevens
Dixon	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Trible
East	Lugar	Warner
Evans	Mattingly	Wilson
Ford	McClure	Zorinsky
Garn	McConnell	
Glenn	Moynihan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Kennedy, for

NOT VOTING—4

Armstrong	Durenberger
Denton	Wallop

So division 2 of the amendment (No. 272) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which division 2 of amendment 272 was rejected.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, the unanimous-consent order says that we will now proceed to the amendment of the distinguished Senator from Colorado, Senator HART.

I ask that the Chair recognize Senator HART.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Colorado is recognized.

Mr. HART. Mr. President, I thank the Chair.

AMENDMENT NO. 273

(Purpose: To restrict the circumstances under which combat units of the U.S. Armed Forces may be introduced into Central America)

Mr. HART. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. HART], proposes an amendment numbered 273. On page 31, after line 23, add the following:

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

RESTRICTION ON THE INTRODUCTION OF UNITED STATES ARMED FORCES INTO CENTRAL AMERICA

Sec. 601. (a) The Congress finds that—

(1) the Government of Nicaragua has disregarded its commitments to internal pluralism and non-intervention in its neighbors' affairs, and thereby caused grave con-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7611

cern in the United States and among the nations of Central America;

(2) the Government of the United States has placed an economic embargo on Nicaragua and resorted to other economic and political pressures to affect the policies of Nicaragua;

(3) the increasingly frequent presence of American combat troops in Central America for training exercises, particularly in the current, extremely tense atmosphere, does not advance American foreign policy objectives and may lead to military conflicts; and

(4) the Government of the United States should place its first priority on diplomatic initiatives in the conduct of its foreign policy, and such initiatives should precede any use or threat of military force.

(b)(1) No combat units of the Armed Forces of the United States may be sent into the territory, airspace, or waters of Costa Rica, El Salvador, Guatemala, Honduras, or Nicaragua for training exercises or any other purpose after the date of enactment of this Act unless—

(A) the Congress has authorized the presence of such units in advance by a joint resolution enacted into law; or

(B) the presence of such units is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States.

(2) In either case described in clause (B) of paragraph (1), the President should advise and, to the extent possible, consult in advance with the Congress.

Mr. HART. Mr. President, Senator KERRY and I are introducing an amendment which will increase congressional oversight over the introduction of U.S. combat forces in Central America.

The amendment would require congressional approval—in the form of a joint resolution—prior to the introduction of American combat troops in Central America for training exercises or other purposes. It would, however, allow the President to introduce troops immediately in the event that the United States was threatened with attack or American lives were in jeopardy. Our amendment is intended as a crisis-prevention measure to place limits on the increasing numbers of U.S. forces on maneuver and to reduce the likelihood that those troops will become entangled in a conflict in Central America.

Mr. President, since the United States increased the scope and intensity of military maneuvers in Honduras in 1983, we have witnessed the nearly constant presence of American combat troops on the border of Nicaragua. At the end of April, that presence numbered nearly 11,000.

During these latest maneuvers U.S. tanks and heavy equipment came within 3 miles of the Nicaraguan border.

There is little to suggest that such displays of might have advanced American foreign policy objectives in the region since they began on an expanded basis in 1983. But the continued presence of these large numbers of U.S. troops in close proximity to ongoing fighting between the Contras and the Sandinistas is a case where a display of American military power for

symbolic purposes is tangibly increasing the prospects that the United States will become directly involved in hostilities.

All too often in the past we have seen nations start down the path to war on the basis of miscalculations, unintentional clashes, and unforeseen crisis. Promoting the continued presence of thousands of American troops so close to forces that are fighting in earnest—so close to a nation with which we have such severe disagreements—is like placing a match in a tinderbox.

This amendment would not have the effect of banning troop maneuvers, nor would it interfere with U.S. intelligence gathering capabilities nor prevent U.S. military advisers from aiding friendly nations in the region. We are not suggesting that the United States should not conduct any training exercises in Central America.

This amendment would simply ensure that Congress subjected plans for the introduction of troops into Central America to careful and deliberate review, to ensure that such actions are dictated by U.S. security requirements, are commensurate with the need to train allied forces in the region, and are not a form of dangerous gun boat diplomacy carried out on land.

Mr. President, our amendment is especially important now, in light of the Reagan administration's decision to impose an economic embargo on the Sandinistas and the increasing likelihood that this Congress will provide some sort of aid to the anti-Sandinista Contra forces through third parties or other indirect means.

I oppose these policies. But regardless of where one stands on the embargo or Contra aid—it is clear that together they reflect an escalation in tensions between the United States and the Sandinistas; tensions which are already running extremely high.

Now is the time to mandate a thorough congressional debate prior to additional massive introduction of U.S. troops in the region—not after events have gotten out of hand, and our only option is to become embroiled in conflict.

Our proposal will not in any way limit the President's prerogative to protect American lives or respond to the threat of attack. We are not attempting to interfere with the authority of the Executive. Rather with this amendment we have attempted to strike a reasonable balance between the President's need for flexibility in conducting foreign affairs and the Congress' responsibility for passing upon policies that could lead this Nation into war.

Mr. President, the purpose of this amendment is somewhat similar to the previous amendment proposed by the Senator from Massachusetts, but it is also somewhat different. Its differences are these: The purpose of my amendment is to proscribe the level of

combat forces the United States may introduce into the region of Central America, as defined by specific terms, to those listed countries—unless the President of the United States has received prior congressional authority. The purpose of this amendment, Mr. President, and the reason for bringing it forward on this bill are quite obvious. There is deepening concern among the people of the United States, in this Chamber and throughout the Congress about whether the administration may be planning for or intent upon some sort of military action against Nicaragua. That concern has been deepened by published reports and quotations of anonymous administration officials and sources in the Defense Department, the State Department, and the White House that suggest that those plans have indeed been made, and that there is a body of thought within the administration which strongly advises that we be prepared on fairly short notice to undertake that kind of military operation.

Mr. President, I will not take the time of the Senate to parade the potential loss of American lives posed by American involvement in a Central American conflict; or to suggest to each Member of the Senate what this might mean to their own families or to the constituents they represent. I will not take the Senate's time to analyze and compare this potential to that of our recent and tragic experience in Southeast Asia. There are differences. I realize those differences of geography, differences of American interests, and all the rest. I do not by this amendment, Mr. President, intend to draw a one-to-one analogy between the sad experience we had in Vietnam, and the potential for an even sadder experience in Central America.

Suffice it to say, Mr. President, it is the conclusion of the Senator from Colorado—and I think reflective of the view of a large majority of the American people—that to seek to solve the thorny and complex problems of Central America, and our relations with Nicaragua through an invasion force or through direct military intervention by the United States—absent some more immediate threat to our own security and our own vital interests—would be an act of folly of the deepest dimension.

I, as the Senator from Colorado, have no particular inside information about what the administration may plan or may intend, or what have those who favor some greater military presence may have over the thinking of the President of the United States or of this administration. But I do know, Mr. President, that all of the ingredients are there for that act of folly—a willingness on the part of some of the key policymakers in our Government and a willingness on the part of some military officials, to resolve an increasingly complex problem

S 7612

CONGRESSIONAL RECORD — SENATE

June 6, 1985

for U.S. diplomacy by a swift and hopefully decisive military action.

I think any of us who have studied the situation in Central America for even one moment, or who have read even 10 pages of military history, know that action would not be swift, and it is far from certain that it would be decisive. In this respect, I think there is a certain question whether people have learned any lessons in Vietnam or not. Nevertheless, Mr. President, I think any person with commonsense and reasonable judgment would have to quarrel with the unnamed official in the Pentagon quoted in the New York Times article saying that we could occupy Nicaragua and it would be as easy "as falling off a log."

Mr. President, we are all reluctant to personalize these judgments and these decisions. The Senator from Colorado just happens to be the father of a 19-year-old son, presumably a son who would be subject to any involvement this country might undertake in the short or long term in Central America or elsewhere. It is the belief of the Senator from Colorado that his son, being as patriotic as any other young American, would be more than willing to engage himself in the defense of this country and its vital interests whenever called upon by his Government in any kind of legitimate cause. I think the issue before this Chamber today is whether a military invasion of Nicaragua is a justifiable cause, calling upon the potential loss of many 19-year-olds similar to this Senator's son.

Mr. President, it has been discussed here today, and in the highest traditions of the debates of the U.S. Senate throughout history—to debate who does or should have the authority to commit this Nation to acts of war or military enterprises. It was suggested earlier in a previous debate, a previous amendment by the senior Senator from Arizona [Mr. GOLDWATER] that the Congress has gone too far in making foreign policy or involving itself in fundamental decisions about deployment of American military forces; that what we ought to do is just give the President whatever authority he needs and trust his judgment to do whatever he thinks is best for this Nation. If any of us are students of American history, and try to sort our way through the history of ideology in this country, we find arguments of that sort ironic.

For, after all, it was the more conservative elements of those who founded this country, our Founding Fathers, who insisted—who insisted—that the Congress of the United States, and particularly the Senate of the United States, have considerable authority in issues relating to foreign aid ventures by this Nation, international relations, or relationships with other countries.

It was the concern on the part of those conservatives, those conservative Founding Fathers, that an all-power-

ful Executive might in fact abuse that power and unnecessarily involve this Nation in unwise activities and adventures abroad, military, diplomatic, and otherwise.

Let me, for example, if I may, Mr. President, cite Thomas Jefferson on the question of congressional involvement with respect to declaring and waging war, or being involved in military ventures abroad.

In a letter in 1807 to then-Vice President Clinton, Mr. Jefferson had this to say:

The power of declaring war being with the legislature, the executive should do nothing necessarily committing them to declare war.

In other words, President Jefferson in 1807 was saying that the Congress should not permit itself to get into the position where Presidents can so precommit this Nation, so expose its interests unnecessarily, that the Congress then has no other choice but to intervene to carry out that commitment.

Thomas Jefferson is saying the President should not have that power because the power of declaring war is with the legislature.

He said earlier to James Madison in 1793:

As the executive cannot decide the question of war on the affirmative side—

Let me repeat that.

As the executive cannot—

He does not say "should not"—

cannot decide the question of war on the affirmative side, neither can he do so on the negative side by preventing the competent body from deliberating on the question.

Once again, anticipating his statement to Vice President Clinton some 14 years later, he is saying that it is accepted doctrine, constitutional doctrine, that the Executive cannot—he is not saying should not, but cannot—commit this Nation to war on the affirmative side by an affirmative declaration. Therefore, logically the executive should not have the power to prevent the Congress, which he calls "the competent body," from deliberating on that question.

The President cannot, by any negative means, preclude the Congress from exercising its constitutional mandate to determine when this Nation goes to war.

Then finally, in an even earlier letter to Madison, Jefferson said:

We have already given one effective check to the dog of war by transferring the power to declare war from the executive to the legislative body, from those who are to spend to those who are to pay.

The "we" he is referring to is not only himself and Mr. Madison but the other framers of the Constitution who, in their wisdom, were concerned about a too powerful Executive, particularly in the area of committing this Nation to war. He says:

We have taken that power away. We have already given one effective check to the dog of war by transferring the power to declare war from the executive to the legislative body.

Namely, those who can spend money, the President, to those who pay the bills, the Congress.

Finally, Mr. President, on this same subject, in the question of constitutional sharing of power in foreign policy, Alexander Hamilton himself, known throughout history as a proponent of the strong executive theory, wrote this in the Federalist Papers on this subject:

The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise for the nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created in circumstance as would be a President of the United States.

Mr. President, I do not think it is the inclination of the Senate, for better or worse at the present time, to debate the history of who, under our Constitution, does or does not have, or should or should not have, the power to commit this Nation to war. I wish it were, because I think, Mr. President, if I read what is happening in this country—in its highest circles of power—that is exactly the kind of debate we ought to be having on the floor of the Senate today, and there ought to be a goodly number of Senators here.

It is tragic, it is unfortunate, that crises occur, that decisions are made, and then the hue and cry arises and elected officials summon themselves to the respective Chambers of the Congress and start debating about how we got into this mess.

Better, it seems to me, if we were to spend a tenth of the time today debating about who should or should not have the power to commit this Nation to war. That is what this amendment is all about.

Mr. President, it is the purpose of this amendment to limit to the present levels in Central America existing numbers of combat forces, and those are considerable. There are at least 2,000 forces, as the Senator from Colorado understands it, in Honduras, and other military personnel, depending on how one counts the occasional naval and maritime presence of the United States in the region—possibly several thousand more.

One can ask, what is the concern? Why offer this amendment at all? What are the potentials?

The potentials, Mr. President, are for ever-increasing and escalating American military presence in the region, particularly in Honduras, and that presence getting itself closer and closer to what is a less and less defined combat zone and, therefore, exposing American military personnel to potential harm; certainly putting them in harm's way, and therefore necessarily risking their lives.

It seems to me we are only really the beneficiaries of fortune that more Americans have not already been killed. We have lost tragically, I think, some 30 or 40 American military per-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7613

sonnel, largely in exercises and accidents. But, it seems to me, given the deployment of American forces, it is almost miraculous that more Americans have not been killed in or near what has been an expanding combat zone.

We have been through three so-called Big Pine exercises, each one of which has been larger than the last. Big Pine is not a classified code name but a military code name for combat exercises conducted by this Nation with Honduran and regional military forces. That is not in and of itself anything we should necessarily concern ourselves about, were it not for the indications that, as the Senator from Colorado has already mentioned, there are predisposition on the part of some policymakers in and out of uniform to preemptorily try to solve this problem by increased direct military action.

The chances of that policy prevailing are exacerbated and heightened by the increasing possibility of Americans losing their lives in or near that combat zone, and then some tit for tat reaction being taken in which we raid across the border to protect our forces and they kill more Americans and then, before you know it, we are in the soup.

The Big Pine 3 maneuvers have ended, as has a companion exercise called Universal Trek '85. Big Pine 3 involved over 4,500 American forces. Universal '85 Trek involved 6,600 United States troops, including amphibious landings. These two exercises, by the way, overlapped by a period of a week or two, and during that period, by the calculation of the Senator from Colorado, there were over 11,000 combat forces in Honduras or nearby.

Mr. President, the disposition of the administration in this regard or in the near- or long-term future is beyond the Senator from Colorado—even in his capacity as a member of the Armed Services Committee. We are not necessarily brought into those plans. The Senator from Colorado is informed that later this month, a new U.S. maneuver involving potentially a couple thousand or more Americans who might be involved in rather benign activities such as road-building, but also perhaps within 40 miles of the Nicaraguan border, practicing attacks and repelling attacks by and against guerrilla forces.

So, Mr. President, the beat goes on. It is clearly an instrument of this administration's foreign policy in the region to not only beef up Honduran capabilities but to show a big stick to the Nicaraguan Government. That may or may not be a productive policy.

All this amendment does is say: If the President of the United States intends to put more combat forces into the region—Honduras or the surrounding nations—then he should come to Congress and seek your approval. Congress, under this amendment, can authorize that presence of

whatever units the President wants to commit in advance, by a joint resolution enacted into law. The amendment does not require the removal of present levels of combat forces, so that argument cannot and should not be used in opposition. It specifically is designed not to interfere with the President's ability either to take whatever actions are necessary to immediately evacuate U.S. citizens in Nicaragua or surrounding nations, or to respond to a clear and present danger of military attack on the United States.

The amendment does encourage the President, under those circumstances, to consult closely with Congress.

So, Mr. President, this amendment is not designed to interfere with our intelligence capabilities or the presence of our advisers in the region. It would not in any way impede our ability to protect and promote our own interests in the region. It merely would bring Congress into the process of deciding whether we should increase American military presence in the region and, hopefully, if it works properly and is enacted, prevent any kind of unilateral action by the President of the United States which might precommit this Nation to war in opposition to the intent of the Founding Fathers and the clear intent of the Constitution of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield to myself such time as I may require.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, the amendment presented by our distinguished Senator from Colorado, as he has mentioned, has many characteristics which are similar to the amendment just offered by the distinguished Senators from Massachusetts [Mr. KENNEDY] and Oregon [Mr. HATFIELD], except for the fact that the Hart amendment goes beyond the Kennedy-Hatfield amendment, beyond in the sense that in addition to the introduction of forces into combat, the Hart amendment would preclude forces coming into additional exercises without the advance consent of Congress.

I submit, Mr. President, that Members who have already voted, by 31 to 64, against the first amendment, would be disinclined to vote for the current amendment because it clearly goes well beyond it with regard to the scope of congressional management of military policy and the use of force.

The Senator from Colorado has suggested that the very presence of a critical mass of forces in Honduras may lead Americans into some measure of jeopardy. Indeed, he has suggested that it is miraculous that more injuries or deaths have not occurred, given the number of persons in Honduras. But I think it is important to indicate that, in fact, these deaths have not occurred nor have combat situations occurred.

In truth, our forces are in Honduras because they are training for fitness in military capability. They are assisting our friends in Honduras who are heavily reliant upon the support they give.

I suggest, Mr. President, that the War Powers Act, which at least pertained to the previous amendment we discussed, conceivably pertains to this one, although I understand that the thrust of the Hart amendment is to give an additional dimension to that. It seems to me that this type of amendment would clearly be a signal of weakened U.S. commitment to Honduras and other Central American friends. It would encourage, in my judgment, if not intensified military pressure by Nicaragua, certainly a temptation to attempt those activities which Nicaragua might feel disinclined to attempt given the exercises proceeding in Honduras.

It seems to me it is indeed another unwise and rather severe restriction upon the President's constitutional authority as Commander in Chief. It appears to me that it would at least preclude the possibility of the use of U.S. forces in providing emergency assistance to friendly countries to defend against sudden attack which currently we are in a position to give, given the sure presence of our forces in Honduras or, as might be the case, exercises in other areas.

For these reasons, Mr. President, I ask the Senate to reject the Hart amendment. It seems to me it would be an unwise deviation in our foreign policy. Clearly, it will not be helpful, in my judgment, in providing for the stability in Central America which we all seek.

We have not attempted today, and will not go far afield, in treating the positive things that the United States has attempted to do in promoting strong democratic institutions, a stronger economy, stronger humanitarian aid. Clearly, our presence in Central America in a military capacity and the close ties that the military exercises give help to our friends in Central America. It seems to me this is an area in which a degree of Presidential discretion and congressional oversight are important. I would think the congressional oversight is exercised in a number of ways presently and to go so far as the Senator from Colorado has suggested would be unwise.

Mr. HART. Mr. President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. I thank the Chair and I thank Senator HART for the time.

Mr. President, I rise in support of the Hart amendment. I do so because I have the uneasy feeling—more than just an uneasy feeling, a belief—that we are moving in the wrong direction. As I read the Hart amendment, it is a balanced amendment. It recognizes that the Government of Nicaragua has not lived up to some of its commit-

S 7614

CONGRESSIONAL RECORD — SENATE

June 6, 1985

ments, but it also places priority on diplomatic initiatives without taking away the power of the President in a genuine emergency. But it sends a clear signal, "Do not use U.S. troops unnecessarily."

My own feeling is that many of the people who are making decisions for Central America simply are not sensitive to what is going on. The chairman of the Senate Committee on Foreign Relations is on the floor, and I applaud the fact that he is reviewing the whole panoply of relations of the United States with the other nations of the world. My own impression, from some years of travel in Latin America, is that uncle Sam is viewed in much of Latin America as a bully and exploiter. Sometimes we have earned that image, sometimes we have not. But what we ought to be doing is moving low key in whatever we do, and we are doing precisely the opposite. I think that is counterproductive.

I remember some years ago before I was a Member of the House of Representatives and certainly before I came over to the Senate, our family drove down the Pan American Highway to San Jose, Costa Rica, a trip I would not recommend *dm1:a06jn6.196* In San Jose we visited with Jose Figueres, who was then the President of Costa Rica, whom I had the opportunity to know slightly. We visited in his living room. This is right after Richard Nixon had become President of the United States.

On the coffee table in his living room was an autographed picture of Hubert Humphrey. I said, "I am curious, Mr. President, why you have that autographed picture of Hubert Humphrey." And he responded, "We sensed that Hubert Humphrey really cares about us."

Mr. President, what we in the United States have to convey is that we care about the people of Central America and that we are not just using them as some kind of a tool in the East-West struggle, and we are not conveying that right now.

One of the areas where we ought to be doing more—and I am pleased to see this bill, and I commend my colleague from Indiana, as well as the ranking Democratic member, Mr. PELL, and Senator MATHIAS who worked on this—is in scholarships. One of the largely ignored points made by the Kissinger Commission was that the United States in all of Central America provides 391 scholarships, while the Soviets provide about 7,500. And you do not need great imagination to understand that we can win a battle and lose a war.

I do not suggest that every student who comes back from the University of Moscow or Partice Lumumba University comes back a dedicated Communist, but there is an ideological tilt, just as there is for a student who goes to the University of Illinois, or Southern Illinois University, or Indiana University, or the University of Colorado.

That is the kind of thing we ought to be doing.

Our troop involvement in Honduras. What we are doing there, in my opinion, is destabilizing what is probably the best government that Honduras has ever had. I would suggest we seem to learn the lessons of history slowly.

Libya had a government that was not, unfortunately, a good government, but we had a U.S. base there and some military leaders and others were able to say, "This government is a puppet of the United States." And a young colonel by the name of Qadhafi and some others overthrew the government. It is probable that Colonel Qadhafi would not be in charge in Libya today had there not been a U.S. military base there. I think our presence in Honduras, rather than stabilizing Central America, is a destabilizing factor.

Finally, Mr. President, I am for this amendment because I hear not a dominant voice around here but an occasional voice—I have heard this from someone in the administration. I have heard it from a Member of Congress—saying, "You know, what we ought to do is invade Nicaragua."

I want to quiet that kind of talk quickly, firmly, and without any question whatsoever. If there is anyone in responsible position in this administration who wants to seriously consider that, I am going to do everything I possibly can to help prevent it. It is not the direction that we ought to go.

The Hart amendment—and I urge my colleagues, those who hear my voice on their radios in the office as well as those who are on the floor, to read the Hart amendment, not the synopsis of it—is a balanced amendment that I think represents the view of the majority of the Members of the Senate. Now, whether the vote is going to reflect that, I do not know, but if the Members of the Senate read the Hart amendment I think they are going to vote for it. I commend my colleague from Colorado for his amendment. It says what we ought to be doing. It suggests that diplomatic initiatives ought to be the direction. And just in general, to reemphasize, we ought to be low-keying it in Central America.

Mr. President, if I may use just one other illustration. I remember after President Reagan had his first press conference on Central America, I was on a call-in radio program at WGN in Chicago. They also had the Managua correspondent for Newsweek on the radio. I said, "What does troop involvement, our aid to the Contras, our naval flotilla do as far as the Sandinistas are concerned? Does it strengthen them or weaken them?" And she said, "Oh, it strengthens them because Uncle Sam is viewed as a bully who is trying to dominate Nicaraguan policies." And I said, "That is exactly what I thought."

I am not in love with the Sandinistas. They are not Boy Scouts. But let

us adopt policies that pull Central America in a positive direction. Let us not be the big bully. Let us not do things that just hand the Soviets and Marxists and others the kinds of issues that I think, day after day, we seem to be handing them.

I am pleased to support the Senator from Colorado. I yield back my time to him.

Mr. HART. Mr. President, I thank the Senator from Illinois for his very perceptive remarks. They got beyond the scope of the amendment to describe what our policy in the region ought to be, something that the Senator from Colorado had not attempted to do, but I fully agree with the thrust of the idea the Senator from Illinois has put forward as to what a progressive policy for the United States ought to be in that region.

If I may respond briefly to comments made by our friend and colleague, the distinguished floor manager and chairman of the committee, if I understand his remarks and criticism, they amount to this. First of all, this amendment would, in his words, signify a weakened U.S. commitment in the region.

Mr. President, I hope the day will come, not too far in the future, where strength has a broader definition than mere military power. I know the Senator from Indiana, being a thoughtful and perceptive person, does believe that strength should be defined in broader terms. But by arguing the way he did, he implies that the strength of America is derived simply from military power and military presence.

We all know from studying human nature and human events that quite often the strongest individual or the strongest nation is the one that is so confident in and of itself in its cause and principles and values that it does not need to demonstrate that strength through constant military presence or force.

I hope we do not let ourselves get into this kind of one-dimensional, ideological, polarizing syllogism which says, "If you are for strength, you are for military presence and intervention; if you are not for military presence and intervention, then you are for weakness."

Now, unfortunately, American politics in the 1970's and 1980's fell into that trap too often. It certainly does not elevate the level of dialog and debate or challenge the intelligence of the American voter. But the fact is we can be much stronger in Central America, a region of vital importance to this Nation, without increased American military presence. Let us give some thought to what strength is. Let us not let ourselves—and certainly not someone as intelligent and multi-dimensional as the chairman of the committee—get into this business of, "Well, if we want to be strong, let's put our troops in. And if we take our

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7615

troops out, then we are necessarily weak."

That is, I think the chairman of the committee would admit, a much too oversimplified definition of strength. Strength is defined by whether we are able and willing to protect and promote our vital interests in every possible way, not one way but every possible way.

He said, further, that this amendment would weaken the ability of Honduras or a neighboring nation to repel an attack. This, of course, presumes that an attack is imminent or that it is even possible, evidence of which has yet to be presented to the Senate of the United States or the American people.

However, if the President of the United States—or his Cabinet, the Secretary of State, the Secretary of Defense, or the national security apparatus of this Nation—concludes that an attack is possible, is likely, is imminent, then, of course, it is his duty to inform the Members of Congress of that possibility and to seek our support and our cooperation in preparing a neighboring nation to repel that attack.

I suppose that, in theory, the Sandinistas could prepare an all-out attack on Honduras or somewhere else overnight—massive tanks, troop carriers, artillery, infantry, and everything else they have—and, lo and behold, the President might be awakened in the middle of the night by a call:

"Mr. President, this is Bill Casey calling. The Nicaraguans have just moved en masse across the Honduran border."

The first thing he should do when that happens is fire Bill Casey. We are not spending billions of dollars, I hope, on an intelligence organization that could not find out that those plans were underway.

Nevertheless, this amendment provides more than ample opportunity for the President and the national security apparatus to consult Congress and seek, very quickly, our concurrence in increasing our military presence in this region—it is not halfway around the world; it is within short flight time—to help the Hondurans to repel an attack.

Finally, as I understand the Senator's arguments, he has said that this amendment would not increase stability. Mr. President, I have been to Honduras—not in the last few months but in the last couple of years, as many Members of the Senate have—and an argument can be made, as the Senator from Illinois has made, that increased military presence by the United States in that country is not stabilizing.

Mr. President, the Senator from Colorado has met with the political opposition in Honduras—they are Democrats, they are nationalists and patriots who happen not to agree with the government in power—and they have said to the Senator from California that increased American military pres-

ence is making their nation less stable rather than more stable, for many of the reasons the Senator from Illinois has just stated.

So, whether the argument about a weakened commitment goes to the ability of the United States to help the Hondurans repel an attack, or it goes to the question of whether it does or does not help create stability in the region, I hope that our colleagues in the Senate will reject those arguments.

This amendment is designed, more than anything else, to bring Congress, in a timely way, into decisions that may affect the livelihood, the safety, and the survival of young Americans who might otherwise be called upon, without that involvement, to enter into an unnecessary and unwise military adventure.

Mr. LUGAR. Mr. President, I appreciate the comments of the distinguished Senator from Colorado as he has discussed his thoughtful amendment. I also appreciate the statement of the Senator from Illinois.

Let me respond briefly by saying that I suspect that no Senator who has been involved in the debate would equate strength entirely as military strength. In fact, military strength might be a very small part of the strength of our country, in the image we present and the way we conduct ourselves.

Our efforts in Central America have been to try to provide democratic institutions, stronger economies, a thrust toward a concept of civil rights and human rights that would grow. Our strength clearly lies in the image we have and in the activities we have fashioned to show the strength of our own constitutional principles, and where these can be adopted, to try to encourage them to be adopted.

I think the other side of the coin, however, is that strength does not preclude military strength. One can argue how the balance is perceived. Both the Senator from Illinois and the Senator from Colorado have argued that our presence in Central America, in the Western Hemisphere, has been interpreted as a bullying presence in a way that not only destabilized situations, but also brought enemies for our country.

However, the present amendment, as I perceive it, is one in which we are arguing about who should manage military exercises in Central America. The thought of the Senator from Colorado is that prior to military exercises, which are conducted extensively—the three Big Pine operations in Honduras have been mentioned specifically—Congress should push those along by an affirmative gesture.

It has been argued, further, I believe, that the Senators, in proposing this amendment and supporting it, believe that the sheer numbers of persons we have had in Honduras may have led to dangers to our forces or dangers to our friends in Honduras.

That, I think, is arguable. My own general assumption is that the Hondurans wanted our presence. There have been negotiations from time to time as to how extensive they wanted it and what quid pro quo was required in addition. Those complexities are important; and if we were discussing the advisability of any one exercise, it is arguable both ways.

I fail to see that our foreign policy is going to be enhanced by taking away from the President of the United States and his administration the ability to train troops in Central America, provided that we do so in conjunction with friendly countries, and provided, of course, that they want us there, and in my judgment they do. It has not been a situation of bullying or a situation in which we have prevailed through our own strength. As a matter of fact, we have lent our strength to our Honduran friends and perhaps to others.

Finally, I suggest that one of the difficulties, in a practical sense, about precluding our exercises—and this is the reason I made an argument for stability—is that the Nicaraguan Government currently, with a "revolution-without-borders" concept, with the destabilizing efforts made by that government toward neighboring nations, is, unhappily, the sort of government that does have an element of surprise, an element of covert activity, an element of subversion.

I am suggesting that the very presence of American troops in Honduras, for example, by invitation of the Honduran Government and in conjunction with a training mission with Honduran forces, has at least led to a second thought on the part of the Sandinista government with regard to any activities that might be conducted toward Honduras.

I think that is all to the good. I do not know what the course of activity of Nicaragua would have been otherwise. I am simply saying that the physical presence of our forces there has precluded adventures that would have been inadvisable, and I think that is all to the good.

Mr. HART. Mr. President, if the Senator will yield—I know that we have some distinguished visitors—I will respond very briefly.

It is not the intent of the sponsor of this amendment to manage troop exercises. It is not the intent of the sponsor of this amendment to preclude troop exercises. It certainly is not the intent of the sponsor of this amendment to prevent the President from taking actions that are necessary to defend and protect this country's interests or those of our allies.

All this amendment says is that if the President is convinced of the need for an increased American military presence in Central America and if there is no emergency, then he must come and convince Congress of that. It simply involves Congress in any deci-

S 7616

CONGRESSIONAL RECORD — SENATE

June 6, 1985

sion to increase our military presence in the region, absent an emergency.

I believe that, given any clear reading of the history of the Constitution, that, is what our responsibility and role are designed to be.

If the President cannot convince the majority Members of the Congress that we ought to have more troops in Central America then we probably should not have more troops there.

VISIT TO THE SENATE BY A GROUP OF BRITISH-AMERICAN PARLIAMENTARIANS

Mr. LUGAR. Mr. President, the Senator from Indiana asks the Chair to recognize the distinguished Senator from South Dakota for an introduction of a distinguished delegation.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I am proud to introduce to the Senate a distinguished visiting group of parliamentarians from Great Britain, the British-American parliamentarian group. They are headed by Mr. Joplin. There are three parties represented here. They are visiting the United States and they are here to get the wisdom of the U.S. Senate.

I am honored to present them to the Senate.

[Applause.]

RECESS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes for a greeting by Senators of the delegation.

There being no objection, the Senate, at 3:50 p.m., recessed until 3:53 p.m.; whereupon, the Senate reassembled when call to order by the Presiding Officer [Mr. CHAFEE].

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

The Senate continued with the consideration of the bill (S. 1003).

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I discussed the situation with the distinguished Senator from Colorado and we both agreed that the debate may draw to a close in the next few minutes for our side. I would be pleased to yield back all the time and I believe the Senator from Colorado wishes to be recognized for a closing statement.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I thank the distinguished floor manager. I shall be brief, lest other Senators in support of the amendment wish to be heard. Then after 2 or 3 minutes of concluding remarks, it will be my intention to yield back the time of the proponents. The Senator from Indiana may want to reserve time in case the Senator from Colorado turns unnecessarily provocative in the 2 or 3 minutes.

Mr. President, the intent of this amendment is quite simple. It is to re-

quire the President of the United States to seek the support of Members of Congress before increasing the American military presence in Central America. It does not preclude that increase and it does not require a decrease. It merely says if it is a central part of this Nation's foreign policy in this critical region to have increasing permanent or semipermanent military presence, then the President of the United States should seek the endorsement and support of Congress before increasing that American military presence.

It is an amendment born of concern that the United States is increasingly seeking only a military solution to a complex web of problems in that area of the world. It is admittedly born of increasing concern by the Senator from Colorado that the administration or some elements of the administration might, in fact, seek the ultimate military solution to this problem and that is some sort of an invasion, provoked or otherwise, by American combat forces, without the consent or approval of the Congress.

Mr. President, I think that policy would be folly. It would be a policy the Senator from Colorado would be prepared to strongly oppose without more evidence of its necessity to our national security.

But, Mr. President, it is the concern of the offerer of this amendment that Congress and the Senator from Colorado would not even have the chance to reflect our views before that action were taken.

I hope, Mr. President, Members of Congress do not vote against this amendment and awaken some morning unhappily to be notified that this Nation is involved in combat against Nicaragua.

I think that would be a sad day for this country in terms of its constitutional process, in terms of the prerogatives of Congress in declaring war and in terms of the unnecessary loss of young American lives.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HART. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired on the amendment, the question is on agreeing to the amendment of the Senator from Colorado.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama [Mr. DENTON] would vote "nay".

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER] would vote "nay."

The PRESIDING OFFICER (Mr. QUAYLE). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 15, nays 81, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—15

Burdick	Inouye	Pell
Cranston	Kennedy	Proxmire
Harkin	Leahy	Sarbanes
Hart	Matsunaga	Simon
Hatfield	Metzenbaum	Weicker

NAYS—81

Abdnor	Ford	McClure
Andrews	Garn	McConnell
Baucus	Glenn	Melcher
Bentsen	Goldwater	Mitchell
Biden	Gore	Moynihan
Bingaman	Gorton	Murkowski
Boren	Gramm	Nickles
Boschwitz	Grassley	Nunn
Bradley	Hatch	Packwood
Bumpers	Hawkins	Pressler
Byrd	Hecht	Pryor
Chafee	Heflin	Quayle
Chiles	Heinz	Riegle
Cochran	Helms	Roth
Cohen	Hollings	Rudman
D'Amato	Humphrey	Sasser
Danforth	Johnston	Simpson
DeConcini	Kassebaum	Specter
Dixon	Kasten	Stafford
Dodd	Kerry	Stennis
Dole	Lautenberg	Stevens
Domenici	Laxalt	Symms
Durenberger	Levin	Thurmond
Eagleton	Long	Trible
East	Lugar	Warner
Evans	Mathias	Wilson
Exon	Mattingly	Zorinsky

NOT VOTING—4

Armstrong	Rockefeller
Denton	Wallop

So the amendment (No. 273) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAMM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BYRD. Mr. President, I thought I might ask the distinguished majority leader how he sees the program for the rest of the day, how late we may go, what the prospects are for finishing this bill, keeping in mind tomorrow depending on how the day goes, and for Monday.

Mr. STENNIS. Mr. President, may we have order so we might hear?

The PRESIDING OFFICER. The Senator from Mississippi is correct. Will those Senators conducting con-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7617

versations please retire to the cloak-rooms?

The Senate will be in order.

The majority leader.

Mr. DOLE. I thank the Chair.

I would say first of all I have discussed with the chairman of the committee, Senator LUGAR, that we would like to complete action on this bill tonight. If we do not, we will complete action on the bill tomorrow. That is where we will start from. If we do finish this evening, we would be in session tomorrow but I can assure Members that there would not be any matters requiring rollcall votes.

I am also advised by the chairman that once we get beyond the so-called Contra amendments that it will move fairly quickly. A number of amendments will be accepted. There are some that will require some debate, and maybe a rollcall, but overall we will move rather quickly.

I am rather optimistic at 4:25, though I may not be that optimistic at 6:25.

I would suggest to Senators who have Contra amendments, and I know they all have great merit, if we could use less time we might be able to finish the entire bill by 8:30 or 9 o'clock this evening, which would accommodate a number of Senators on each side who have official commitments elsewhere tomorrow.

On Monday, if we did not finish this bill, we would still be on the bill. But it is my hope to take up the clean water legislation.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I have one further question, that being what would be the business on tomorrow which would cause the Senate to come in but not require rollcall votes?

Mr. DOLE. A number of bills have been reported by the Commerce Committee which we understand have been cleared on both sides. Obviously, if they have not been cleared, we will not try to address them. But there will be no rollcall votes. I can assure that. If something did develop, we would postpone action until Monday. I believe they are all from the Commerce Committee. I can double check and give the distinguished minority leader a list of those we have in mind.

Mr. BYRD. I thank the distinguished majority leader.

Mr. President, if the distinguished majority leader would accept one final suggestion, when the Senate moves on beyond the Biden and Nunn amendments, I wonder if it might be possible for Members to indicate their willingness to limit time on the remaining amendments.

Mr. DOLE. I would hope that would be the case. The managers of the bill might consult with Senators. I might say I have one amendment and I am prepared to yield all time back at the appropriate time. I want to try to set a pattern for others to follow. I have the last amendment and I do not really believe I will need to offer it. Maybe the

managers between now and the next vote can encourage others not to take the full 60 minutes or 90 minutes, whatever it is.

Mr. BYRD. Mr. President, I thank the majority leader. I thank the Chair for getting order and maintaining order.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the next amendment in order is an amendment to be offered by the distinguished Senator from Delaware [Mr. BIDEN].

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 274

(Purpose: To establish terms for U.S. policy toward Nicaragua)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 274.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

At the end of the bill, add the following new title:

TITLE VI—U.S. POLICY TOWARD NICARAGUA

PROHIBITION ON MILITARY AND PARAMILITARY AID

Sec. 601. The prohibitions contained in section 8066 of Public Law 98-473 and in section 801 of Public Law 98-618 shall remain in full force and effect with respect to all material, financial and training assistance: *Provided, however*, that the assistance authorized by section 602 shall be permitted.

AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

Sec. 602. (a) During fiscal year 1985, not more than \$14,000,000 may be expended for the provision of food, clothing, medicine and other humanitarian assistance to resistance forces which are opposed to the present Government in Nicaragua: *Provided, however*, That—

(1) such assistance is provided in a manner such that the nature and extent of such assistance is independently monitored;

(2) the United States resumes bilateral negotiations with the Government of Nicaragua; and

(3) the Government of Nicaragua and resistance forces which are opposed to the Government of Nicaragua each agree to institute a cease fire.

(b) In the event the Government of Nicaragua refuses to enter into a mutual cease fire as described in subsection (a)(3), or to resume bilateral negotiations with the United States as described in subsection (a)(2), the humanitarian assistance authorized by this section may be provided.

(c) In the event a mutual cease fire described in this section is seriously or substantially violated by resistance forces opposed to the Government of Nicaragua, no humanitarian assistance authorized by this section may thereafter be provided: *Provided, however*, That if the Government of Nicaragua has earlier, and seriously or sub-

stantially, violated such cease fire, this prohibition shall not apply.

DISTRIBUTION OF ASSISTANCE

Sec. 603. (a) The \$14,000,000 described in section 602 may be provided only—

(a) by the Department of State;

(b) from funds previously appropriated to the Department of State; and

(c) upon a determination by the Secretary of State that the assistance is necessary to meet the humanitarian needs of resistance forces opposing the Government of Nicaragua.

FORM OF ASSISTANCE

Sec. 604. The assistance described in section 602 may be provided only in the form of goods and services, and no direct or indirect financial assistance may be provided.

PROHIBITION ON OTHER ASSISTANCE

Sec. 605. No assistance may be provided by the United States to resistance forces opposed to the Government of Nicaragua except as authorized and for the purpose described in section 602, and no funds may be used to provide the assistance authorized in section 602 except as provided in section 603.

SUPPORT FOR CONTADORA NEGOTIATIONS

Sec. 606. (a) It is the sense of the Congress that the United States should encourage and support the efforts of the Contadora nations (Colombia, Mexico, Panama, and Venezuela) to negotiate and conclude an agreement based upon the Contadora Document of Objectives of September 9, 1983.

(b) In the event that less than \$14,000,000 is expended for the humanitarian assistance authorized in section 602, the remainder of such amount and any necessary additional funds may be made available for payment to the Contadora nations for expenses arising from implementation of the agreement described in this section including peacekeeping, verification, and monitoring systems: *Provided, however*, That in the event \$14,000,000 is expended for the humanitarian assistance authorized by section 602, other funds may be made available for payment of such expenses. Any funds made available for the purpose described in this subsection may be provided from funds previously appropriated to the Department of State.

PRESIDENTIAL REPORT TO CONGRESS

Sec. 607. The President shall submit a report to the Congress every 90 days on any activity carried out under this title. Such report shall include a report on the progress of efforts to reach a negotiated settlement as set forth in section 602 and 606, a detailed accounting of the disbursement of humanitarian assistance, and steps taken by the democratic resistance toward the objectives described in section 611.

SUSPENSION OF EMBARGO AGAINST NICARAGUA

Sec. 608. The national emergency declared in the President's executive order of May 1, 1985, prohibiting trade and certain other transactions involving Nicaragua, shall be terminated, and the prohibitions contained in that executive order shall be suspended, if the Government of Nicaragua enters into a cease-fire and negotiations with opposition forces.

UNITED STATES MILITARY MANEUVERS NEAR NICARAGUA

Sec. 609. It is the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a cease fire, to open a dialogue with the democratic resistance, and to suspend the state of emergency.

S 7618

CONGRESSIONAL RECORD — SENATE

June 6, 1985

FUTURE LOGISTICAL AID TO NICARAGUANS
CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 610. The President may request the Congress to authorize additional logistical assistance for resistance forces opposed to the Government of Nicaragua, in such amount and of such a nature as he deems appropriate, including economic sanctions with respect to the Government of Nicaragua, in the event that—

(a) the Government of Nicaragua refuses to resume the bilateral negotiations with the United States, as described in section 602; or

(b) following an agreement between the Government of Nicaragua and the United States to resume the bilateral negotiations which are described in section 602, the Government of Nicaragua refuses to enter into a mutual cease fire, as described in section 602. A request submitted to the Congress under this section shall be handled by the Congress under the provisions of section 612.

PRECONDITION FOR FUTURE AID TO NICARAGUANS
CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 611. (a) Congress finds that United States assistance to a Nicaraguan democratic opposition can be justified, and can be effective, only if such opposition truly represents democratic and humanitarian values.

(b) Therefore, Congress shall consider further assistance to the democratic opposition only if such opposition has eliminated from its ranks all persons who have engaged in abuses of human rights.

(c) The President shall submit any future request for assistance for opposition forces only in accompaniment with a detailed certification, which shall be subject to congressional hearings, that the opposition has in fact effectively to eliminate from its ranks all persons who have engaged in violations of human rights.

EXPEDITED PROCEDURE FOR FUTURE AID
REQUESTS

SEC. 612. (a) A joint resolution which is introduced within three calendar days after the Congress receives a Presidential request described in section 610 and which, if enacted, would grant the President the authority to take any or all of the actions described in such section, shall be considered in accordance with procedures contained in section 8066 of Public Law 98-473: *Provided, however, That—*

(i) references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House; and

(ii) amendments to the joint resolution are in order.

(b) This section is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supercedes other rules only to the extent that it is inconsistent with such rules.

(c) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

FUTURE AID TO THE GOVERNMENT OF NICARAGUA

SEC. 613. (a) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, Congress will consider initiating

a number of economic and development programs, including but not limited to—

- (1) trade concessions;
- (2) Peace Corps programs;
- (3) technical assistance;
- (4) health services; and
- (5) agricultural and industrial development.

(b) In assessing whether progress is being made toward achieving these goals, Congress will expect, within the context of a regional settlement—

(1) the removal of foreign military advisers from Nicaragua;

(2) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to rebel forces fighting the democratically-elected government in El Salvador;

(3) restoration of individual liberties, political expression, freedom of worship, and independence of the media; and

(4) progress toward internal reconciliation and a pluralistic democratic system.

NICARAGUA: THE PRESIDENT PRESENTS A
HOBSON'S CHOICE

Mr. BIDEN. Mr. President, late in the 17th century, a Englishman named Thomas Hobson adopted a rigid, rather inhospitable practice in the operation of his riding stable near Cambridge. To students from the nearby university who came to rent a horse, Mr. Hobson offered a simple choice: take the one nearest the stable door, or none at all.

Today, as we renew discussion of American policy toward Nicaragua, we unfortunately are presented a choice no better than that offered by the metaphorically famous Mr. Hobson. But just as there was only one stable near Cambridge, we have only one American foreign policy. Consequently, we must deal with the choice we face.

The essential issue before us is whether, and on what conditions, to aid the Nicaraguan resistance—the Contras. I deplore the circumstances under which we are forced to deal with this issue because I think that the administration has failed in an important responsibility, which is to exhaust all avenues of diplomacy before shifting to a policy that emphasizes military force. By its denigration of the Contadora process, by its apparent willingness to supply aid to any and all elements opposed to the Sandinista regime, and by its hastily imposed embargo, the administration has managed to generate for Mr. Ortega an international sympathy which his government could never have earned for itself.

We thus find a situation involving three flawed players: a Sandinista regime which shows little disposition to fulfill the promise of the Nicaraguan revolution, a resistance which includes some truly democratic leaders but also a number of unsavory figures responsible for unjustifiable behavior, and an ideological administration which appears to be spoiling for a fight as the only satisfactory solution.

To return to the metaphor of Mr. Hobson, some would argue that we should walk away—that because we

are offered no attractive choice, we should have nothing to do with the situation. But as emotionally satisfying and politically popular as that might be, I cannot judge it to be the responsible course. Nor, however, do I think we should simply accept the horse offered by Mr. Hobson—in this case, Mr. Reagan. Instead, I think we must impress upon him the need for a better horse—a better, more balanced approach—and that is the purpose of the amendment I wish to offer today.

A BALANCED APPROACH

The amendment I offer is a modification of the proposal—concerning so-called humanitarian assistance to the Contras—made by my party during negotiations with the White House on this issue several weeks ago. Those terms were embodied in a resolution [S.J. Res. 120] introduced by the Democratic leader. The principal modifications I have made are to place strict conditions on any future U.S. aid to the Nicaraguan resistance and to add certain elements of inducement, including a possible suspension of the U.S. embargo, should the Sandinistas wish to adopt a more cooperative attitude toward negotiation with the Nicaraguan opposition. I shall summarize briefly the provisions of this amendment:

CURRENT AID TO THE NICARAGUAN OPPOSITION

First, the amendment contains provisions relating to current aid to the Nicaraguan opposition. It does so by maintaining in law the Boland amendment, prohibiting military or paramilitary assistance, while providing \$14 million in so-called humanitarian assistance. I note, Mr. President, that some of my colleagues have expressed concern about closing loopholes which might allow some of this money to aid the Contras militarily. I must say that I find any such concern to be misfocused. The fact is that this aid will ipso facto help the Contras militarily because it will help them economically; it is as simple as that, so let us speak candidly. We are providing this aid in the form of so-called humanitarian assistance because we wish, at this time, to confer on the Nicaraguan resistance some measure of legitimacy and practical assistance without affirming the political and moral commitment entailed by overt military support. Accordingly, my amendment requires that the aid be distributed by the State Department from State Department funds, in order to minimize the dangers arising from the presence and involvement of U.S. military or CIA personnel in the field.

BILATERAL AND MULTILATERAL NEGOTIATIONS

Second, in addition, the amendment seeks to promote negotiations by conditioning the availability of this aid on the demonstrated willingness of the administration and of the Contras to enter into talks with the Nicaraguan Government; and urging full U.S. support for the Contadora process, to

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7619

which the administration has accorded far too little support heretofore, while authorizing the expenditure of State Department funds to support the implementation of any agreement reached through that process.

INDUCEMENTS TO THE SANDINISTA GOVERNMENT

Third, and relatedly, the amendment offers to the Sandinista government certain inducements to negotiation by providing for a suspension of the U.S. economic embargo if the Government of Nicaragua enters into a ceasefire and negotiations with opposition forces; declaring, as does the Nunn resolution, that the President should suspend military maneuvers near Nicaragua if the Sandinista government agrees to a cease-fire, talks with the opposition, and an end to the country's declared state of emergency; and setting forth, as does the Hamilton resolution in the House, certain conditions under which Congress would consider establishing programs of assistance to the Nicaraguan nation.

HUMAN RIGHTS AND FUTURE AID TO THE NICARAGUAN OPPOSITION

Finally, and of central importance, the amendment declares that, beyond the funds authorized in this bill, Congress shall consider further aid to the Nicaraguan opposition only if the opposition has acted effectively to remove from its ranks those persons who have engaged in serious abuses of human rights. An associated and crucial provision is that the President shall be required to submit, in conjunction with any future request for further economic or military aid for the Nicaraguan opposition, a detailed certification that such house cleaning has in fact occurred. I should underscore that any such certification would be subject to Congressional scrutiny in the course of hearings on the President's request for further aid.

IMPLICATIONS OF U.S. AID TO THE CONTRAS

Mr. President, Nicaragua has already been subject to prolonged debate in this body. But I do judge that certain observations are in order concerning the implications of U.S. aid to the Contras, which many draw as a moral issue in terms of black and white, but which I must confess to finding a complex foreign policy issue suffused only by shades of gray.

LEGITIMACY OF U.S. AID

As to whether it is legitimate for us to aid a Nicaraguan opposition, I simply do not find it persuasive to argue that such action is intrinsically improper. The Sandinistas themselves received ample international assistance in overthrowing Somoza, and few observers—no matter how high minded—found fault with that. Moreover, the Sandinistas themselves have declared that their own ideology impels them to provide assistance to other revolutions, as they have indeed done. So unless one is an advocate of the Brezhnev doctrine that all Communist revolutions must be regarded as irreversible, the providing of Ameri-

can aid to the Nicaraguan opposition is hardly a violation of sacrosanct international principal. I believe the essential criterion—and it is a practical one—is whether what we do will employ reasonable means to produce a desirable result.

IMPLIED COMMITMENT

As to whether my amendment commits the United States to further support for the Contras, the answer is that it does not; it leaves that question fully open for the time being. What it does do, however, is express that the United States ascribes political legitimacy to the concept of a Nicaraguan democratic opposition. Simultaneously, however, the amendment establishes a framework which will divorce us from the opposition if it does not complete its evolution from being a symbol of the worst of Nicaragua's past to being the repository of the best hope for Nicaragua's future. If the diplomatic efforts encouraged by this amendment fail, Congress will in the future face a tough choice on the issue of further economic and/or military aid. But that question is not prejudiced by our action now in providing an increment of economic aid while putting the military approach, as Senator NUNN has put it, on the back burner. The question of future aid would be prejudiced only if we failed to keep the option open.

U.S. MILITARY INVOLVEMENT

Finally, and of fundamental importance, we face the question as to whether we are paving the way for U.S. military involvement, a specter repeatedly invoked and, in view of this administration's apparent propensities, worth considering with great care. Some argue that any support at all for the Contras is, for the United States, a step on the road to war. But it can, I believe, be argued with comparable force that a hands off policy would be equally, if not more, likely to lead to war—by inviting Soviet and Nicaraguan adventurism and by allowing further polarization and instability in Central America. In considering any further aid to the Contras—particularly military aid—we will have to weigh carefully the measure of our implied or explicit commitment to them. But it is a dangerous and perverse oversimplification to argue that the only way to avoid war is to dissociate ourselves from supporting those who represent democratic values. The key test, as my amendment emphasizes, is whether the Nicaraguan opposition truly represents such values. If it does not, it cannot represent a sound option for American policy.

CONGRESSIONAL MEDDLING

The imperative that American foreign policy reflect a real concern for human rights brings me to a final matter: The recurrent charge that Congress, moved by a foolish or timid idealism, is meddling in the policymaking process and thereby tying the President's hands. These are familiar

themes. But to refute this charge, one need look no further than our recent policy toward El Salvador.

At the outset of President Reagan's first term, the alarm bells sounded and we were told that the Communist insurgency in El Salvador must be combated at all costs. Those in Congress who criticized a policy that would have blindly supported the brutalities of the Salvadoran right were described as victims of the Vietnam syndrome. But congressional pressure continued nonetheless. The result was a tortuous policymaking process and a hybrid policy—a policy that nobody had intended and few liked. Yet that policy appears to have worked—by blending the administration's emphasis on military aid with congressional emphasis on the practical reality that popular support in a civil war cannot be won by death squads, which serve only to feed guerrilla strength.

The turning point came in 1983. El Salvador's Communist guerrillas had hoped that congressional pressure would result in a cutoff of U.S. aid to the Salvadoran Government. Instead, they found themselves confronting a balanced American policy that continued military and economic aid, while placing heavy pressure on the Salvadoran Government to clamp down on the rightwing death squads, to overhaul the armed forces, and to continue the process of domestic reform. In sum, the administration had finally accepted that public support—here and among the Salvadoran people—depended upon curbing the abuses of the Salvadoran right. The result was a constructive policy—shaped by congressional meddling—that has contributed to the encouraging, though obviously still tenuous, progress in El Salvador that we see today.

CONCLUSION

While any analogy between El Salvador and Nicaragua is imperfect, two principles clearly apply to both. The first is that an American policy which supports the use of force must attend carefully to the purposes and means which govern its use. The second is that, in civil conflict, the outcome must finally be determined by those directly involved; for the United States to seek, or drift into, a central role is to ensure failure.

Mr. President, Mr. Hobson has not been easy with us on the subject of Nicaragua. Here, as on several other issues, he appears to be working hand in hand with Mr. Reagan. But I believe that through this amendment we can obtain something better than the choice between no horse at all and administration's armored and blindered war horse. We can obtain balance—by placing due emphasis on negotiations and by infusing our policy with an essential concern for democratic values and human rights.

I urge adoption of the amendment.

Mr. President, before I yield the floor, I ask unanimous consent that

S 7620

CONGRESSIONAL RECORD — SENATE

June 6, 1985

Senators BRADLEY, SASSER, and GORE be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN and Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senators from Maine.

Mr. COHEN. Mr. President, I want to take this opportunity to commend my colleague.

The PRESIDING OFFICER. Who yields time to the Senator from Maine?

Mr. LUGAR. I will be pleased to yield time.

Mr. COHEN. Will the Senator from Delaware yield?

The PRESIDING OFFICER. Who yields time to the Senator from Maine?

Mr. BIDEN. How much time does the Senator have?

The PRESIDING OFFICER. Twelve minutes.

Mr. BIDEN. I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mr. COHEN. I thank the Senator for yielding. I want to commend the Senator from Delaware for trying to strike a balance between the polar extremes, between no aid at all, as some have advocated, or unlimited aid as some would like. I believe it has been apparent that we cannot build a foreign policy on partisan planks or posturing. I think the Senator from Delaware has offered at least one option to avoiding this partisan wrangling we have had for the past several years on what to do about Nicaragua.

I have another question I should like to pose to the Senator from Delaware, however. One of the attractive features I find in the Lugar-Nunn amendment is that it seeks to avoid bringing this subject to the floor time after time but, rather, have some sense of continuity and time to develop and evolve this policy. I notice that the Senator from Delaware, I believe, has offered funding for 1 year only and that the Lugar-Nunn proposal is for 2 years or through 1986. I was wondering whether or not the Senator from Delaware would consider an amendment which would extend that time frame to grant a little more time for continuity and not force it back upon the Congress again in a very short period of time?

Mr. BIDEN. I think the case that the Senator makes is a valid one. I am somewhat ambivalent about it. The Senator probably does not have the amendment in front of him, but the first section, section 602(a), says, "During fiscal year 1985 not more than 15 million," et cetera.

I would, depending on the attitude of my cosponsors, with whom I would like to take time to check, be willing to suggest that during the fiscal year 1985 and again during fiscal year 1986

not more than—in other words, adding 1986 because it does not seem to do violence to what my approach is because the conditions still must be met in each of those years. I would be willing to do that, but I ask the Senator if he would withhold making a formal request and give me an opportunity to consult with my cosponsors.

Mr. COHEN. I will certainly withhold that request and await any judgment the Senator might have.

Mr. BIDEN. I yield time to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Delaware.

Mr. President, 15 months ago, when I visited Honduras, I found the Reagan administration had been conducting what amounted to a secret military buildup in that region of the world.

Since coming to office, the administration has been engaged in a Central American policy that has left open few options except military solutions.

The administration has failed to aggressively seek diplomatic solutions to the Central American crisis. Indeed, in the past months we have witnessed the erosion of diplomatic alternatives.

Early last year when I visited the region, it appeared the Sandinista Government of Nicaragua was engaged in what amounted to only a defensive military buildup to repel the Contra invaders. Furthermore, it appeared the Government of Nicaragua could be persuaded to permit free elections and engage in talks on the legitimate security issues of the region.

In the past months, however, the world has witnessed a continual military buildup of men and equipment in Nicaragua which some believe exceeds the requirements of solely a defensive posture. Likewise, those efforts which have been made to enter into negotiations, for whatever reason, have failed to produce results.

Except for brief moments of public relations theater when the Sandinistas embraced a draft Contadora treaty and the Reagan administration agreed to bilateral talks in Manzanillo, the reality of the situation is that all sides have dug in their heels, hardened their positions, and cut away much of the middle ground.

Today, we see a Sandinista government determined to hold and consolidate power at any cost—even if that cost is the bankruptcy of its nation, the repudiation of its officially proclaimed nonaligned foreign policy, and the potential invasion by foreign armies.

Today, we also see the Reagan administration determined to prevent the consolidation of that Sandinista power, even if such a policy weakens our standing in the world community, divides our country, and leads to a direct U.S. military intervention.

So, that is where we are today, Mr. President. There is little middle ground left. Someone—the Sandinistas, the Contras, or the United States—has to compromise, or there is going to be a war in Central America, and the blood of thousands of Americans and Nicaraguans will be spilled.

Now, we could argue on this floor forever about the history of the conflict in Nicaragua. It is clear the United States has a dismal history in Central America. And our recent history is completely in character with our past.

It is also clear that administration policy toward Nicaragua has failed. Indeed, it has not achieved any of the President's stated goals: The Sandinistas today are stronger, more pro-Soviet, and more determined to hold power than ever.

But, the failure of administration policy to date, unfortunately, cannot be changed. Who is at fault for the crisis in the region is no longer the central question.

The simple fact of life is: There is a crisis. The Sandinistas, for whatever reason—either in response to administration pressure or by their own design—have turned increasingly toward the Soviet bloc for military aid and assistance.

And as the Sandinistas grow deeper in debt to the Soviet Union, United States security interests in the region begin to take on a new context.

Mr. President, I have consistently opposed funding for the covert Contra war, directed by the Central Intelligence Agency. That approach has been demonstrated to be, not only ineffective, but also morally deficient for a great country such as the United States. Furthermore, it is abundantly clear that the Contras cannot, alone, bring about change inside Nicaragua.

The best hope for change and reconciliation remains the Contadora peace process. The United States cannot dictate a lasting settlement to the regional conflict. That can only be achieved by the nations most affected, the Latin American countries themselves.

Yet, the United States must be seen as promoting that process if Contadors still has a chance to succeed.

Some amendments being offered to this bill appear to achieve that goal. But the time has come when we must do more than merely endorse the Contadora peace process. We cannot provide a carrot without a stick. History has taught us that neither the stick nor the carrot, alone, is sufficient to achieve progress toward a negotiated settlement in the region.

Other amendments appear to provide substantially only a stick. And if we repeal the Boland amendment provision, it is likely to result in an even deeper involvement of the Central Intelligence Agency in the prosecution of the Contra war. So, I cannot support amendments which could return this Nation to a policy which was

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7621

found deficient over a year ago. Such amendments risk an every growing military involvement of the United States.

But, Mr. President, it has become clear that this Nation must adopt a new policy toward Nicaragua. We must adopt a policy which includes both a carrot and a stick.

Mr. President, last year it appeared the Sandinistas were being persuaded to begin to enter negotiations in good faith. That no longer appears to be the case, at least for now. For after the Congress turned down further military assistance to the Contras, President Ortega immediately went to Moscow to negotiate instead with Soviet leaders.

Certainly, a case can be made that it is the policies of the Reagan administration which have pushed the Sandinistas toward the Soviets. That may be true. But, President Ortega had a choice. Instead of immediately going to Moscow, he could have seized the moment to probe opportunities for reinstituting a dialog with the United States and the opposition within his own country.

Mr. President, I will vote for the Biden amendment today. And my vote should be interpreted as more than just a protest vote against the Ortega trip.

I am voting for this amendment because it offers a new approach to American policy in Nicaragua. The Biden amendment provides an opportunity to promote a new nonmilitary solution to ending the crisis. First, it endorses the Contadora peace process. But it takes even more concrete steps which can reduce the tension in the region. Most importantly, it offers the opportunity for the United States to pull back from the military abyss in Central America. Yet, by providing nonmilitary aid to the Contras, it maintains the option to renew military pressure should efforts to achieve a cease-fire and new negotiations fail. Therefore, the Biden amendment, in my judgment, provides substantial incentives to all sides to attempt, at least one more time, to achieve a peaceful solution without resorting to military action.

Mr. President, I also support the Biden amendment because the Sandinistas need to know that there are limits to their activities in the region. They need to understand that the legitimate interest of the United States cannot tolerate enhanced Soviet influence in this vital region of the world.

Mr. President, the Biden amendment represents a new opportunity which must be embraced by those who seek peace in Central America. Without it, we will be able to exert no leverage over either the Sandinistas or the Contras. Without it, the Congress leaves the development of Central American policy solely to the tender mercies of the Reagan administration. Without this new approach, the Nicaraguan crisis will be merely left to deteriorate.

Mr. President, we cannot sit idly by and permit the Nicaraguan crisis to embroil our Nation in another costly and unnecessary foreign war. The Biden amendment gives all sides an opportunity to take stock of their position. It provides an incentive for a cease-fire, a cooling-off period to allow moderation and peaceful purpose to replace belligerence and armed conflict.

Mr. President, the remaining middle ground is growing soft. There is little time left to halt the drift toward a Central American war.

This Congress must enact a legislative framework which attempts to strengthen the middle ground and gives us another chance to achieve a peaceful settlement to the crisis.

The Biden amendment, I believe, offers us that opportunity.

Mr. BIDEN. I thank the Senator.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield myself such time as I may require.

Mr. President, I appreciate the thoughtful amendment by the Senator from Delaware and the cosponsors.

The Senator from Delaware and those with whom he is associated in this amendment have taken seriously the fact that the carrot and the stick must be involved, and have worked to try to apply a measure of both. My opposition to their amendment will come on certain particulars that I want to enumerate, but I suppose more generally from the standpoint that I believe that the Nunn-Lugar amendment is a better alternative. Essentially, to adopt both, in a parliamentary situation, would render the conference committee's task very difficult.

Both amendments track along certain points. Perhaps both arise from negotiations that occurred at the White House a few weeks ago and subsequently, in an attempt to find a bipartisan foreign policy that could help our Secretary of State work for better success in Central America. So I acknowledge the origins of a number of the activities described in both the Biden amendment and the Nunn-Lugar amendment.

It appears to me, however, that the Biden amendment attempts to have more restrictions on the Contras, the freedom fighters, than the Nunn-Lugar amendment provides for. It has some problems in bringing about changes in the situation that we would deem desirable.

Let me say quickly, as a matter of overall philosophy, that it seems to me that the purpose of our activity today is to provide a context in which negotiations ultimately between the forces in Nicaragua itself may come to pass. Those are negotiations that are meaningful, ones that open up a government that needs political freedom, political opportunities, freedom of the press, and other desirable safeguards

with regard to surrounding nations and safeguards to our Nation from a surprise visit by the Soviets or others who might implant weapons and material in Nicaragua.

We have come to some differences of opinion as to how these negotiations within Nicaragua are best to be fostered. I think there is a growing consensus in Congress that we should do all we can to support the Contadora process and the activities of neighbors. It seems to me that in both instances we have come to the conclusion that there may be desirability for negotiations between the United States and Nicaragua under some situations. This may advance the process, although clearly it will not end the process. It is one facet of it, in the context of negotiations that finally must proceed to the Sandinistas, themselves, taking a look at democratic elements that should be part of the Government and working out a settlement at that stage.

It seems to me that the Biden amendment is less forceful in bringing about those circumstances, because the amendment, first of all, does not repeal the Boland amendment. This, I suppose, is a matter of some judgment; but, clearly, the Nunn-Lugar amendment does repeal Boland. It does try to take away all of the restrictions that the Boland language has brought to bear on the situation.

There are perhaps some Senators and some Members of the House who are deeply mistrustful of the administration and, to put it another way, much more trustful of the ability of Congress to micromanage foreign policy. The Boland amendment is that type of situation. I suppose it is a fielder's choice.

The distinguished Senator from Tennessee said that if we do not go the route of the Biden amendment, we might leave Nicaragua and Central American policy at the tender mercies of the Reagan administration, as if this were a hideous type of alternative. There are many people who like the President of the United States, who feel essentially that it would not be at all bad if the President of the United States had a lot more to say with regard to a Central American policy than Congress collectively. I am not certain, given that alternative, that I would have selected the Biden amendment.

On the other hand, I suggest that there is in the Biden amendment inherently an attempt, in a mechanistic fashion, as the Senator from Delaware has pointed out, to set up an analogy to what Congress attempted in El Salvador.

I suppose, once again, we might have a difference of opinion historically as to why the American policy in El Salvador has had some success. In part, of course, as we mentioned this morning, it has been because there were some very good El Salvadoran leaders. We were fortunate that that was so. To

S 7622

CONGRESSIONAL RECORD — SENATE

June 6, 1985

the extent that our micromanagement of El Salvador was helpful, more power to Congress.

My own judgment is that it is arguable to the extent to which that worked out that way.

This leads me to the same sort of a problem, I suppose, with the Biden amendment. Even given the good things that I admit are similar to the Nunn-Lugar effort and the best intentions of the authors. I do not see it as sufficiently strong.

I simply suggest that the Biden amendment is an effort that is constructive, but I would hope that it would not be adopted—simply because I believe that it does not have the thrust of Nunn-Lugar and that that thrust is essentially one in which substantially more funds will be available under less restrictive terms. Thus there is an extra degree of pressure imposed through the new resources transferred to the Contra forces, albeit in the area of humanitarian assistance. This will lead, I believe, to the proper degree of pressure that will make negotiations more probable in terms of their potential success.

Mr. BIDEN. Mr. President, will the Senator yield on one point?

Mr. LUGAR. I am happy to yield.

Mr. BIDEN. The Senator indicated concern about the Boland amendment. We all have different reasons why we did not want the Boland amendment in. If I could take a moment to explain to the Senator my rationale, I want to get something passed. Quite frankly if the Boland amendment is in what the Senate passes, it is not going to get anywhere in the House of Representatives. No. 2, whether or not it gives the President a free hand, leave that aside a moment whether he should or not have that, what the repeal of Boland does by implication by what went before it is to say the CIA is back in the game, it is a red flag that went up. I do not think it does any violence, in my opinion, to Nunn-Lugar to not have Boland.

The rationale for Senator NUNN originally, and I assume the Senator from Indiana for having the amendment the way it was, is that we would not be able to allow it to be shared intelligence data. That was the rationale offered to me.

I argue you can do that even under Boland. Without belaboring the point, that was the Senator's rationale for excluding Boland from the Biden amendment.

Mr. LUGAR. I appreciate that point. The Senator's judgment may be sound in terms of the conference procedures, the strong position taken by the House of Representatives. I think all of us are looking toward a policy that has a good chance of getting a two-House bipartisan proposition. I would still indicate it appears to me that the Boland language at least in this context is not a good idea in terms of procedure.

I know the President feels strongly about this because I have heard it from him and talked to him about it as recently as 2 days ago. So I take that into consideration, too, even with my great respect for our colleague, Mr. BOLAND and the Speaker, who have very strong feelings, also.

Let me conclude this particular part of the argument by saying once again that I appreciate the general thrust of what is occurring here, but it seems to me it is a micromanagement, and that word is being overused, but it is still descriptive in which a group of well-meaning persons such as ourselves and the 435 Members of the House of Representatives are attempting to set up a number of conditions and the net effect, at least as I read the amendment, is one in which it is unlikely that the Sandinista government of Nicaragua will be willing to negotiate seriously, that the pressures of the Biden amendment are insufficient to make that likely.

Mr. BIDEN. Will the Senator yield for a question?

Mr. LUGAR. Yes.

Mr. BIDEN. What pressures? I am not being facetious. What pressures within the Nunn-Lugar amendment would in fact encourage that, that are not in the Biden amendment?

Mr. LUGAR. First of all, and perhaps the Senator is in the process of amending his amendment, but the Nunn-Lugar amendment provides for, in addition to the \$14 million and the repeal of the Boland amendment in the first year, \$24 million in a second year which is a sustained effort. The Sandinistas really have to know that there is some staying power involved in that situation.

I would say beyond that that it appears to me that the constrict of the Biden amendment, and I would refer to section 602 in which the \$14 million comes only if the United States resumes bilateral negotiations with the Government of Nicaragua.

That fits in a little different way than the Nunn-Lugar language. We encourage the President as part of a number of things that might be helpful.

Mr. BIDEN. Mr. President, will the Senator yield for a question on this point?

Mr. LUGAR. Yes.

Mr. BIDEN. Has he had an opportunity to read section (b) of 602 which indicates that if in fact the Nicaraguans refuse, then there no longer has to be a condition of bilateral negotiation?

Mr. LUGAR. Yes, I have read that, and I appreciate that that does obviate No. 2 and No. 3 to the extent that the Sandinistas do not want to go that route.

I think a part of our debate in the earlier amendments today was the preoccupation of Senators in demanding that we get together with the Sandinistas, that this is the essential set of negotiations. But for this to be the

central focus seems to me to be unfortunate.

Mr. BIDEN. Mr. President, will the Senator yield for another question?

Mr. LUGAR. Yes.

Mr. BIDEN. If the Senator believes, and I am inclined to think he is correct, that the Sandinistas have no indication and no desire to bargain in good faith, then I ask the Senator what have we lost by including this in an amendment to satisfy my friends who believe that in fact they would negotiate? Is it not better to make that a condition, be assured the President attempted it under amendment, demonstrate that they would not and then move forward? Does that not aid the Senator's objective of having to sustain policy in the region which recognizes the threat with respect to the Sandinista presence?

Mr. LUGAR. I suggest that, as the Senator has presented the idea, it is helpful in terms of gaining broader support in the Senate because it is obvious, given the offering of this type of negotiation at least twice before, but people feel very deeply about it.

Mr. BIDEN. I was moved by the Senator's speech at the National Press Club where he called about the need of a broad based, bipartisan long-range policy.

Mr. LUGAR. This is reaching for that, probably gathering a few more in the fold.

Mr. BIDEN. I am not being facetious.

Mr. LUGAR. Of course not. It seems to me and the Senator cannot have the thing in focus that the thrust of the negotiating procedure misses. In other words, we have the situation in which granted to include people who believe that really we are mainly the ones that are at fault and it is our lack of willingness to talk and engage in these activities, that is really the fault. There is nothing in this procedure that I can see that leads to the type of internal negotiation within Nicaragua or at least indicates that those are the sort of most important ones and that anything beyond that are in a supporting role.

The nuances of the amendment may have escaped me, but it just seems the thrust of it is once again one in which we are sort of pounding ourselves over the head for our inability to do a certain number of things with the thought that really down deep we are at fault.

Mr. BIDEN. If the Senator will yield for a question again—

Mr. DIXON. Mr. President, I wonder if my colleague will permit me to ask a question of the distinguished manager.

Mr. BIDEN. The Senator from Delaware really has no time and I was asking the Senator a question. It is fine by me if the Senator will allow the Senator from Illinois to ask him a question on his time. I will be willing to yield my time.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7623

Mr. DIXON. Mr. President, will the distinguished manager permit me to ask a question of him?

Mr. LUGAR. I am happy to do that.

Mr. DIXON. May I say to the distinguished manager I think he knows my record on this issue. I am one on this side who has regularly supported Contra assistance, as recently as the last time a rolcall took place, and I want my distinguished friend, the chairman of the Foreign Relations Committee and the distinguished manager of this bill, to know that I am prepared once again to support the proposition that will be offered shortly by the distinguished manager and the distinguished Senator from Georgia, so that he understands the meaning in which the question is asked.

But I am prepared to support this proposition by my distinguished friend from Delaware as well, and I wonder whether the manager has thought in terms and whether others on his side have thought in terms of the acceptability of this whole question in the other Chamber.

(Mr. RUDMAN assumed the chair.)

After all, this proposition has to pass two Houses to have any meaningful result. I would point out to the Senator that my friend, the distinguished Senator from Delaware, maintains the prohibition against support of military or paramilitary operations while my distinguished friend, the manager of this bill, strikes that provision. My distinguished friend from Delaware would funnel the aid through the State Department, while the other proposition would provide for the CIA to distribute the funds and the National Security Council to exercise oversight.

I wonder whether my friend sees that there is some broader appeal, if we really want to do something in this area, as this Senator does, in the other Chamber for what my distinguished friend from Delaware is trying to do. That must be readily apparent to my friend.

Mr. LUGAR. I appreciate the question, as well as the observation by my friend from Illinois.

I think these aspects of Senator BIDEN's amendment would be more appealing in the House of Representatives to the extent that this is the audience that we are looking for and conceivably might find it. I am not certain that is so, but it might be.

I would say the National Security Council oversight of whatever agency is involved—and the Senator from Illinois assumes it would be the CIA in our bill, and we assume that it would be, too—would continue as it is and I would also assume that we would not rule out paramilitary, as the Senator from Illinois has suggested. He may not want to do that and many Members of the House may not want to do that.

I think it is foolish on our part to arbitrarily rule out those options, even if we are trying to appeal to the Mem-

bers of the House of Representatives. But I think those are two distinctions between the bills.

I have not tried to nitpick and find each and every one of these situations. But the Senator from Illinois has performed a useful service by pointing out two small ways, albeit very small ones, in which the bills differ, which leads me back to my point that whatever merit the Biden legislation has, in my judgment it is less at prospect than the Nunn-Lugar amendment that will be heard next. Therefore, it ought to be rejected so that the way is still clear for a statement that will come on the fifth amendment to be considered today.

Mr. DIXON. Will my friends yield just one more time?

Mr. LUGAR. I am happy to do so.

Mr. DIXON. I am prepared to go through this with my friend from Indiana and, as I say, I am prepared to support the proposition that will be offered shortly by the distinguished manager of the bill. But I wonder how many times we have to march up the mountain and back down before we ultimately realize that the perception of this issue is different in the Senate than in the House.

I wonder whether there would be more appeal if we realistically tried to recognize that there are some sharp differences that probably cannot be reconciled and that there is more probability of reasonable acceptance by the House of slightly more moderate Senate proposition—I am prepared to vote for the Senator's proposition—but a more moderate proposition than my distinguished friend from Indiana wants to offer right now might help to bridge the gap.

Mr. LUGAR. Let me respond that in the pleasant event we get to a conference with our colleagues in the House and the Nunn-Lugar amendment, at least, is part of that conference on the State Department authorization, whatever else is in the context. I will keep firmly in mind the footnote that my distinguished friend was prepared to vote for both propositions and gave some good advice as to how we might find comity with our colleagues. But I think there is another factor that even as we are seeking comity with our colleagues in the House, at least this Senator—and perhaps most of us, I would hope—is also trying to retain some ties with the administration. The administration is a major factor in our foreign policy, some would argue the major factor with the proper oversight control of this body. So there are several layers in the drama. Some are congressional and some are outside, but also important to it.

I would plead with the Senator that many of us have been trying to work with the White House, with the Department of State, and, in addition, working with our colleagues on both sides of the Capitol. We may or may not be successful in the exercise, but it will not be for the lack of trying.

These are some of the conditions that have brought me to, at least, the conclusions I have in the next amendment.

Mr. DIXON. May I say to my friend that I thank him for his response. I will not take any more time. I know the time is precious for my distinguished friend from Delaware.

I say to my friend from Indiana that I hope when I support his amendment later today that that is not the proposition that once again closes the door and that we are not passing up a chance to adopt a proposition that might open it. That is the only point this Senator wanted to make to his friend and colleague, from Indiana.

Mr. LUGAR. I thank the Senator.

Mr. BIDEN. Mr. President, I ask unanimous consent to amend my amendment as follows: In section 602(a), after "1985" add "and again during fiscal year 1986."

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

Mr. BIDEN. Very briefly, Mr. President, this will have an effect of leaving approximately 1 year during which the Contras will have to evolve to a point where they can meet the higher standards set by the amendment and for the other parties to, in fact, fulfill their portion of the responsibilities in the amendment.

In response to the comment made by the Senator from Indiana, our only difference in dollars is \$28 million as opposed to \$38 million.

The PRESIDING OFFICER. Will the Senator from Delaware please send the modification to the desk?

Mr. BIDEN. Yes.

The modification reads as follows:

At the end of the bill, add the following new title:

TITLE VI—U.S. POLICY TOWARD NICARAGUA

PROHIBITION ON MILITARY AND PARAMILITARY AID

Sec. 601. The prohibitions contained in section 8066 of Public Law 98-473 and in section 801 of Public Law 98-618 shall remain in full force and effect with respect to all material, financial and training assistance: *Provided, however*, that the assistance authorized by section 602 shall be permitted.

AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

Sec. 602. (a) During fiscal year 1985, and again during fiscal year 1986, not more than \$14,000,000 may be expended for the provision of food, clothing, medicine and other humanitarian assistance to resistance forces which are opposed to the present Government in Nicaragua: *Provided, however*, That—

(1) such assistance is provided in a manner such that the nature and extent of such assistance is independently monitored;

(2) the United States resumes bilateral negotiations with the Government of Nicaragua; and

(3) the Government of Nicaragua and resistance forces which are opposed to the Government of Nicaragua each agree to institute a cease fire.

S 7624

CONGRESSIONAL RECORD — SENATE

June 6, 1985

(b) In the event the Government of Nicaragua refuses to enter into a mutual cease fire as described in subsection (a)(3), or to resume bilateral negotiations with the United States as described in subsection (a)(2), the humanitarian assistance authorized by this section may be provided.

(c) In the event a mutual cease fire described in this section is seriously or substantially violated by resistance forces opposed to the Government of Nicaragua, no humanitarian assistance authorized by this section may thereafter be provided: *Provided, however*, That if the Government of Nicaragua has earlier, and seriously or substantially, violated such cease fire, this prohibition shall not apply.

DISTRIBUTION OF ASSISTANCE

SEC. 603. (a) The \$14,000,000 described in section 602 may be provided only—

(a) by the Department of State;

(b) from funds previously appropriated to the Department of State; and

(c) upon a determination by the Secretary of State that the assistance is necessary to meet the humanitarian needs of resistance forces opposing the Government of Nicaragua.

FORM OF ASSISTANCE

SEC. 604. The assistance described in section 602 may be provided only in the form of goods and services, and no direct or indirect financial assistance may be provided.

PROHIBITION ON OTHER ASSISTANCE

SEC. 605. No assistance may be provided by the United States to resistance forces opposed to the Government of Nicaragua except as authorized and for the purpose described in section 602, and no funds may be used to provide the assistance authorized in section 602 except as provided in section 603.

SUPPORT FOR CONTADORA NEGOTIATIONS

SEC. 606. (a) It is the sense of the Congress that the United States should encourage and support the efforts of the Contadora nations (Columbia, Mexico, Panama, and Venezuela) to negotiate and conclude an agreement based upon the Contadora Document of Objectives of September 9, 1983.

(b) In the event that less than \$14,000,000 is expended for the humanitarian assistance authorized in section 602, the remainder of such amount and any necessary additional funds may be made available for payment to the Contadora nations for expenses arising from implementation of the agreement described in this section including peacekeeping, verification, and monitoring systems: *Provided, however*, That in the event \$14,000,000 is expended for the humanitarian assistance authorized by section 602, other funds may be made available for payment of such expenses. Any funds made available for the purpose described in this subsection may be provided from funds previously appropriated to the Department of State.

PRESIDENTIAL REPORT TO CONGRESS

SEC. 607. The President shall submit a report to the Congress every 90 days on any activity carried out under this title. Such report shall include a report on the progress of efforts to reach a negotiated settlement as set forth in section 602 and 606, a detailed accounting of the disbursement of humanitarian assistance, and steps taken by the democratic resistance toward the objectives described in section 611.

SUSPENSION OF EMBARGO AGAINST NICARAGUA

SEC. 608. The national emergency declared in the President's executive order of May 1, 1985, prohibiting trade and certain other transactions involving Nicaragua, shall be terminated, and the prohibitions contained

in that executive order shall be suspended, if the Government of Nicaragua enters into a cease-fire and negotiations with opposition forces.

UNITED STATES MILITARY MANEUVERS NEAR NICARAGUA

SEC. 609. It is the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a cease fire, to open a dialogue with the democratic resistance, and to suspend the state of emergency.

FUTURE LOGISTICAL AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 610. The President may request the Congress to authorize additional logistical assistance for resistance forces opposed to the Government of Nicaragua, in such amount as he deems appropriate, including economic sanctions with respect to the Government of Nicaragua, in the event that—

(a) the Government of Nicaragua refuses to resume the bilateral negotiations with the United States, as described in section 602; or

(b) following an agreement between the Government of Nicaragua and the United States to resume the bilateral negotiations which are described in section 602, the Government of Nicaragua refuses to enter into a mutual cease fire, as described in section 602. A request submitted to the Congress under this section shall be handled by the Congress under the provisions of section 612.

PRECONDITION FOR FUTURE AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 611. (a) Congress finds that United States assistance to a Nicaraguan democratic opposition can be justified, and can be effective, only if such opposition truly represents democratic and humanitarian values.

(b) Therefore, Congress shall consider further assistance to the democratic opposition only if such opposition has eliminated from its ranks all persons who have engaged in abuses of human rights.

(c) The President shall submit any future request for assistance for opposition forces only in accompaniment with a detailed certification, which shall be subject to congressional hearings, that the opposition has in fact acted effectively to eliminate from its ranks all persons who have engaged in violations of human rights.

EXPEDITED PROCEDURE FOR FUTURE AID REQUESTS

SEC. 612. (a) A joint resolution which is introduced within three calendar days after the Congress receives a Presidential request described in section 610 and which, if enacted, would grant the President the authority to take any or all of the actions described in such section, shall be considered in accordance with procedures contained in section 8066 of Public Law 98-473: *Provided, however*,

(i) references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House; and

(ii) amendments to the joint resolution are in order.

(b) This section is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supercedes other rules only to the

extent that it is inconsistent with such rules.

(c) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

FUTURE AID TO THE GOVERNMENT OF NICARAGUA

SEC. 613. (a) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, Congress will consider initiating a number of economic and development programs, including but not limited to—

- (1) trade concessions;
- (2) Peace Corps programs;
- (3) technical assistance;
- (4) health services; and
- (5) agricultural and industrial development.

(b) In assessing whether progress is being made toward achieving these goals, Congress will expect, within the context of a regional settlement—

- (1) the removal of foreign military advisers from Nicaragua;
- (2) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to rebel forces fighting the democratically-elected government in El Salvador;
- (3) restoration of individual liberties, political expression, freedom of worship, and independence of the media; and
- (4) progress toward internal reconciliation and a pluralistic democratic system.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I will be brief and I may not take the 5 minutes. I regret that I was not here to listen to all of what I am sure was a most able argument on behalf of the amendment by our colleague from Delaware.

My sense, however, is that the proposal by the Senator from Delaware appears on the surface to come much closer to the reality of a peaceful negotiation through dialog, dialog on the part of the United States with the national directorate in Nicaragua and a dialog among or between Nicaraguans.

The problem that I see with it—and I wish to say to my friend from Delaware that I do not pretend to have any greater expertise or any greater insight into the solution of this issue than he has, but I come perhaps just a little bit fresher from having discussed all of these amendments with a lot of our friends in Central America. The point that I made this morning in the debate, and I think the Senator from Delaware recognizes this in his amendment, is that we sometimes make the mistake of seeing this problem vis-a-vis the national directorate, the Sandinista dictatorship in Nicaragua, as a U.S. national security issue. We have been deluged with the fact that this is the Soviets marching up from Nicaragua. We have been deluged with the fact that it is the start of refugees and the launch of Soviet missiles into San Antonio and St. Paul and places like that. So we tend to look at it that way.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7625

The reality, however, is much closer to the fact that this is a Central American problem. It is a Central American security problem. And the observations of our friends, if you will, the other democracies or fledgling democracies in Central America is that they, in effect, have facilitated the replacement of one dictatorship in Nicaragua with another. It just happened to be nine more people in this one than in the other. But this dictatorship, being a dictatorship, having been launched from the ship of democracy but having been captured by the pirates of the dictatorship, lives in fear of the democracies around it.

But they cannot do anything about it. They have a 100,000-person army. They have their refugees spilling all over Central America. As I said this morning, they have been killing Salvadorans for 5 years. Now they are starting to kill the Hondurans and Costa Ricans. There is not anything the Central Americans can do about it. They are participating in the Contadora process. They have some faith in that process but not a lot because at the last meeting of the Contadora the Sandinistas came to the meeting and they changed their minds about some of the rulings of the game. They came in with a couple of brand new amendments that had not been on the table before. They did that same thing in the nine meetings with Shlaudeman and Tinoco. Every time they got close to some kind of a negotiation, Tinoco would show up on behalf of the national directorate, and he had a new proposition to lay on the table. The bottom line, seen from the eyes of the Costa Ricans, the Salvadorans, Guatemalans, Hondurans, Panamanians, and others is that the United States must supply them with some additional pressure to be defined in some magic way I guess in this amendment that comes up next. There are a series of urgings in there that speak to that. But without that kind of pressure they know the Sandinistas will not negotiate in good faith. As I read your amendment, as I listened to the argument on behalf of the amendment of the Senator from Delaware—

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DURENBERGER. I ask unanimous consent for another 1 minute.

The problem with it is there is no incentive for the Sandinistas to dialog. There is a presumption underlying the amendment that somehow they want to negotiate an end to this process. But I do not see in it any particular incentive for them to concede. They may go dialog. They are very good at that. They will talk, talk, talk but there is no reason for them after a cease fire to forever concede anything in a dialog. It is that our friends find objectionable.

Mr. BIDEN. Will the Senator yield for a question?

Mr. DURENBERGER. Yes.

Mr. BIDEN. Is the Senator aware that in fact it does not require dialog, that it requires there to be negotiations, and if the Sandinistas do not negotiate, then section 2 and section 3 are not operative? Then the same pressure that exists in the amendment of the Senator from Indiana becomes operative. I know from working with the Senator in the Intelligence Committee that he is aware that we need public support for a plan which is perceived by the public now to be overwhelmed, and in fact not accurately portrayed by the President.

The PRESIDING OFFICER. The time allotted to the Senator from Minnesota has expired.

Mr. BIDEN. I guess I used up your time with a question. I appreciate your courtesy. [Laughter.]

Mr. DURENBERGER. I thank my colleague. I find him incorrect. But I thank him.

Mr. LUGAR. I yield 1 minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, the Senator from Minnesota was touching on the question I had. It was the fact that this aid, the \$14 million, would not be forthcoming unless the President resumed bilateral negotiations with the Government of Nicaragua. I think it is a mistake to insist that the President resume these negotiations. I think this does not really portray an accurate picture of the situation. It reflects on a concern, I think, that the Senator from Delaware has about focusing on bilateral negotiations, and second, my own concern about directing from here the President to enter into bilateral negotiations. Otherwise, I find much attractive in this, but I think this is a flaw that is troubling to me as it is presently drafted.

Mr. BIDEN. If I may answer—

The PRESIDING OFFICER. The time allotted to the Senator from Kansas has expired.

Mr. LUGAR. Mr. President, how much time remains?

The PRESIDING OFFICER. Each side has 2 minutes remaining.

Mr. LUGAR. Mr. President, I will speak for 1 minute and yield 1 minute to the distinguished Senator from Tennessee.

Mr. President, I ask that the Biden amendment be carefully considered but rejected by the Senate on the basis that the amendment that is to follow is a superior course for the reasons that I have suggested, and that others have suggested on our side. I say this with full appreciation for the intent of the amendment, with full appreciation that there are many parallel thoughts, and with full appreciation of the thoughts of my friend from Illinois who has suggested there are many factors in the amendment that may be appealing to the House, and that which we will have to deal with in a practical way. But I am hopeful that

the track will still be clear by the time we get to the Nunn-Lugar offering. I ask Senators to take that into consideration, and to vote against the current amendment.

Mr. GORE. Mr. President, despite the small sum of money involved, we all know that we are voting on a matter of great consequence. What we are really dealing with here is the question of the future course of American policy in Central America.

The President's policy objectives in respect to Nicaragua have continuously shifted, but his preference as to means has inclined steadily toward the use of violence. In rejecting military aid to the Contras, Congress has wisely chosen to block at least one such approach: continued and escalating violence by proxy.

There remain, however, many other gradations beginning with other forms of aid to the Contras, and extending up to the possibility of a U.S. military expedition into Nicaragua: an option the administration has never been willing to rule out, and which it has now begun to speak about in more concrete terms.

The amendments that we are dealing with today offer us ways to more clearly define what parts of that remaining spectrum of possibilities are open to the President, and which parts are—for the time being—to be closed off.

Of these amendments, the only one that deals comprehensively with the elements of a U.S. policy for Nicaragua, and the one which, in my opinion, comes closest to striking a balance appropriate to the needs of the moment, is the amendment offered by Senator BIDEN.

The Biden amendment, in common with those offered by others, proposes to dispense humanitarian aid to the Contras. It does not, however, seek to use this aid as the means to induce the disarming and disbanding of the Contras, nor does it seek to use this aid in a manner which does as much as possible to keep the Contras in fighting trim.

Under the amendment, any aid would have to be independently monitored, to assure that the intentions of Congress—namely, that it be humanitarian in character and no more—be respected.

What the amendment fundamentally seeks to do with aid is to use it as a means for establishing the kind of diplomatic process we should have had from the President, but have not.

The conditions for aid to flow include the resumption of bilateral talks between the administration and the Government of Nicaragua, and the establishment of a cease-fire to which the Contras must agree. Should the Sandinistas, on the other hand, refuse a cease-fire, aid would flow to the Contras.

The embargo against Nicaragua, which many of us feel the President

S 7626

CONGRESSIONAL RECORD — SENATE

June 6, 1985

too hastily imposed after suffering defeat on military aid to the Contras, will clearly not shake the dominance of the Sandinistas in Nicaragua. But under the approach in this amendment, our offer to suspend the embargo could bring about Nicaraguan agreement to accept the prerequisites for serious diplomacy: a cease-fire; talks with the Contras; and an end to the state of national emergency.

Mr. President, this is a delicate moment. The country, by and large, does not believe that the Sandinistas are prepared, if totally relieved of all pressures from the United States, to turn their energies inward and leave their neighbors alone. Neither is the country prepared to see a sharp escalation of military pressure against Nicaragua through the Contras, less alone by way of direct U.S. intervention.

What the country instinctively wants is what in fact we should be having, what the administration is refusing to provide, and what the Biden amendment is all about: a serious resort to statecraft and negotiations—with other options in existence but under firm restraint, until we have exhausted other remedies.

Mr. LAUTENBERG. Mr. President, I rise to support the Biden amendment. This amendment would provide \$14 million in humanitarian aid to the Contras this year and give incentives to both sides of the Nicaraguan conflict to reach a negotiated settlement. To my mind, the Biden amendment represents the best approach at this point to the situation in Nicaragua, one which encourages negotiations and diplomacy over military conflict, while protecting our interests in the region.

The situation in Central America is difficult and potentially dangerous. The United States has a real stake in what happens in that country. Daniel Ortega's visit to the Soviet Union to seek \$200 million in economic aid only underscored the ties the Nicaraguan Government has to the Soviet Union. The Soviets would like to exploit regional unrest to increase their influence in the area. But, Mr. President, the issue before us is not support for or opposition to communism in Nicaragua. The issue is how best to protect our security interests in the region. I believe at this point in the conflict that that is best done by encouraging nonmilitary, negotiated solutions.

Certainly we want to prevent Soviet or Cuban bases on Nicaraguan soil. We want to see all Cuban and Soviet military advisers leave Nicaragua. We want to secure a regional agreement in Central America that pledges that all of the countries in the region—especially Nicaragua—refrain from interfering in the internal affairs of their neighbors and supporting an armed insurrection in the region. And we have an interest in pressuring the Nicaraguans to make good on the democratic promises of their revolution.

This amendment seeks to safeguard those interests by giving the parties to the conflict every incentive to seek peace.

The Biden amendment would provide \$14 million in humanitarian assistance in fiscal year 1985 for the Contras to be funneled through the State Department. By installing the State Department as the agency administering the aid to the Contras, we remove the taint of CIA involvement in the region. At the same time, by continuing the Boland amendment prohibition on military or paramilitary aid to the Contras, we avoid, at least for now, resort to the military option.

The conditions imposed on that aid under the Biden amendment in my view provide the impetus for a peaceful solution to the conflict. To the Contras, we say, "Lay down your arms and negotiate." To the Nicaraguans, we say: "Make good on your promises. Stop exporting your revolution and establish human and civil rights within your country."

In order to receive humanitarian aid, the Contras must agree to a cease fire, and to negotiations with the Nicaraguan Government. And because U.S. assistance to the Contras can be justified and effective only if such opposition truly represents democratic and humanitarian values, we will provide further aid to the Contras only if they first purge from their ranks those responsible for the abuse of human rights.

This approach also provides incentives to the Nicaraguan Government to negotiate with the Contras. If that Government agrees to a cease fire and to negotiations with the Contras, we will lift the trade embargo. The amendment also expresses the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off the Nicaragua coast if Nicaragua agrees to the cease fire and negotiations above, and suspends the state of emergency.

Finally, the amendment requires that the humanitarian aid can only be provided if this country sits down with the Nicaraguan Government and negotiates.

The approach represented by this amendment is one that will keep economic and diplomatic pressure on the Sandinista government and on the Contras to reach a negotiated solution. And by continuing aid to the Contra resistance, it keeps the pressure on the Nicaraguan Government, and thereby decreases Nicaragua's ability to interfere in the affairs of others.

This amendment only applies until the end of this fiscal year, giving us needed flexibility in a fluid situation. It leaves the door open for a new look at the situation in 4 months. If, at that time, no progress has been made in reaching a settlement, or Nicaragua continues going down an undesirable path, then we can reconsider our approach. In the meantime, we can use

our aid to pressure the parties to the conflict and make clear our dissatisfaction with the policies of the Sandinista government.

By continuing the Boland amendment prohibition on military or paramilitary aid to the Contras, we avoid at least for now, resort to the military option. And by installing the State Department as the agency administering the aid to the Contras, we remove the taint of CIA involvement in the region.

I believe that the Biden amendment represents a balanced and thoughtful framework for seeking peace in the region. We provide all of the carrots and sticks at our disposal to the chief adversaries in the conflict. We give the diplomatic process every chance to work in Central America before we are faced with a situation in which no other option but the military one is possible. I urge my colleagues to support this amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I ask unanimous consent that Senator Cohen be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, as the Senator from Indiana has very forthrightly stated, there are a lot of similarities between our two amendments. There are two big differences. No. 1, in his amendment he urges the administration to negotiate. I ask them to demonstrate they have attempted to negotiate, a distinction with a slight difference but more political than a factual difference.

Second, Mr. President, I argue that the only real difference here is that we attempt in this amendment to, if you will, purge the Contras of those who are the unsavory elements in it. It makes sense to support the Contras if they are truly the democratic force. If they turn out not to be, it makes no sense. There is the real difference between the two amendments along with the difference in the Boland amendment. To my friend from Kansas, I say that in fact I do not think they should worry so much about the section 2. We are not demanding the President in fact negotiate. We are demanding that he attempt to resume bilateral negotiations, and if they do not come forward, that would be the end of it.

Mr. President, I really think this is a critically—obviously, we all do—important issue. I think it is important to acknowledge the legitimacy of supporting legitimate opposition forces to dictatorships around the world, whether they be Communist or totalitarian of another stripe. I think this does it. I think it does it the best we can from this body which is imperfect. I urge the adoption of my amendment.

The PRESIDING OFFICER. The time of the Senator from Delaware

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7627

has expired. The Senator from Indiana has 1 minute remaining.

Mr. LUGAR. Mr. President, I would like to offer a correction. On page 3, item 3 of the Nunn-Lugar amendment, we call upon the Nicaraguan democratic resistance to remove from their ranks any individuals who engage in human rights abuses. I would suggest there is a purging element in fact in our amendment. I want to make that clear so that the parallel significance is clear. I yield back the remainder of our time.

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 75, as follows:

(Rollcall Vote No. 111 Leg.)

YEAS—22

Baucus	Hart	Pell
Biden	Hatfield	Pryor
Bingaman	Inouye	Riegle
Bradley	Lautenberg	Sarbanes
Byrd	Levin	Sasser
Cohen	Matsunaga	Simon
Dixon	Melcher	
Gore	Mitchell	

NAYS—75

Abdnor	Garn	Mattingly
Andrews	Glenn	McClure
Armstrong	Goldwater	McConnell
Bentsen	Gorton	Metzenbaum
Boren	Gramm	Moynihan
Boschwitz	Grassley	Murkowski
Bumpers	Harkin	Nickles
Burdick	Hatch	Nunn
Chafee	Hawkins	Packwood
Chiles	Hecht	Proxmire
Cochran	Heflin	Quayle
Cranston	Heinz	Roth
D'Amato	Helms	Rudman
Danforth	Hollings	Simpson
DeConcini	Humphrey	Specter
Denton	Johnston	Stafford
Dodd	Kassebaum	Stennis
Dole	Kasten	Stevens
Domenici	Kennedy	Symms
Durenberger	Kerry	Thurmond
Eagleton	Laxalt	Trible
East	Leahy	Warner
Evans	Long	Weicker
Exon	Lugar	Wilson
Ford	Mathias	Zorinsky

NOT VOTING—3

Pressler Rockefeller Wallop

So the amendment (No. 274), as modified, was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, a number of Senators have made inquiries about the program for the remainder of the evening. I do not really see how we are going to finish this bill this evening, so it would appear at this moment we are going to be on it tomorrow. But that will depend on what might develop in the next 2 to 3 hours. We are now about to take up what I consider the principal amendment, a bipartisan effort to do something in this area, that I hope will pass. Following that, there are four other amendments that I would just as soon not be brought up at all, including one of mine.

There is still 3½ or 4 hours on amendments on the Contrás. We have had votes of 70-something to 15, 80-something to 15, or whatever. So I think there is a fairly clear expression on almost every conceivable pattern of amendments, and I would hope that, after disposition of this amendment, the others would just sort of go away, if that is possible. If not, we are going to sort of go away because I do not think we ought to keep people in until 1 or 2 o'clock in the morning if we cannot finish the bill. I know the chairman would very much like to finish the bill, but in addition to the Contra amendments there are 40 other amendments. A number of those would be accepted, but there would still be probably three or four rollcalls, plus debate on those amendments. So I think it is fairly clear that we are looking at midnight or after.

That is an optimistic assumption. So I would guess, after the vote on the principal amendment, we might be in a position to make an announcement so that Members who have obligations this evening would know what to do.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I will argue in favor of an amendment that has been proposed and will be introduced—

Mr. STENNIS. Mr. President, may we have quiet? We cannot hear back here.

The PRESIDING OFFICER. The Senator from Mississippi is correct. The Senate is not in order. The Senator will please suspend until the Senate is in order.

The Chair will remind the Senator from Indiana that under the previous order, the Senator from Georgia [Mr. NUNN] was supposed to be recognized. The Senator did not seek recognition.

Mr. NUNN. I will yield to my colleague from Indiana. We are coauthors of the amendment. We are working for the same purposes.

How is the time allocated, Mr. President?

The PRESIDING OFFICER. The time is equally divided between the Senator from Georgia and the Senator from Indiana.

Mr. NUNN. Mr. President, is the time divided between the Senator from Georgia and the Senator from Indiana 45 minutes each?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Mr. President, we are on the same side on the amendment, and in all fairness I know there are going to be opponents of this amendment. So I think we are going to have to find some way to equitably divide the time. Of course, this is in our favor. But I know there will be Senators who will want to speak on the other side of this amendment.

Mr. LUGAR. If the Senator from Georgia will yield for just a moment—

Mr. NUNN. I yield.

Mr. LUGAR. My purpose in seeking recognition is to say that in all fairness, it would be wise if the Chair would allocate 45 minutes in opposition to my distinguished colleague from Rhode Island [Mr. PELL] so that he might manage the 45 minutes in opposition, and there will remain 45 minutes for the proponents. At this time I yield the floor to my distinguished colleague from Georgia [Mr. NUNN].

The PRESIDING OFFICER. Does the Chair understand the Senator from Indiana that the 45 minutes is to be under the joint control of the Senator from Indiana and the Senator from Georgia and 45 minutes under the control of the Senator from Rhode Island?

Mr. LUGAR. That is my proposal.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. There will be no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senator from Georgia please send the amendment to the desk.

AMENDMENT NO. 275

Mr. NUNN. Mr. President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN] (for himself, Mr. BENTSEN, Mr. BOREN, Mr. CHILES, Mr. JOHNSTON, Mr. DOLE, Mr. LUGAR, Mr. DURENBERGER, Mr. DECONCINI, Mr. ROCKEFELLER, and Mr. NICKLES) proposes an amendment numbered 275.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

Sec. (a) Notwithstanding section 405 of the International Security & Development Cooperation Act of 1985 as contained in S. 960 (99th Congress, 1st session) or any other provision of law, there is authorized to be appropriated \$24,000,000 for Fiscal Year 1986 to be expended by the President for humanitarian assistance to the Nicaraguan democratic resistance.

(b) Subsections 8066(a) and (b) of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1935), and section 801 of the Intelligence Authorization Act for fiscal year 1985 (Public Law 98-618; 98 Stat. 3304) are hereby repealed, provided however that the funds made available by this section may only be used by the President for humanitarian assistance to the Nicaraguan democratic resistance.

(c) The President shall direct the National Security Council to monitor the use of funds for the purpose authorized in subsections (a) and (b).

(d) Nothing in this section shall be construed to impair or limit in any way the oversight powers of the Congress.

(e) The President is hereby urged and requested—

(1) to pursue vigorously the use of diplomatic and economic measures to resolve the conflict in Nicaragua, including simultaneous negotiations to:

(A) implement the Contadora Document of Objectives of September 8, 1983, and

(B) develop, in close consultation and cooperation with other nations, trade and economic measures to complement the economic sanctions of the United States imposed by the President on May 1, 1985 and to encourage the Government of Nicaragua to take the necessary steps to resolve the conflict.

(2) to suspend the economic sanctions imposed by the President on May 1, 1985 and the United States military maneuvers in Honduras and off the coast of Nicaragua if the Government of Nicaragua agrees (A) to a cease fire, (B) to open a dialogue with all elements of the opposition, including the Nicaraguan democratic resistance, and (C) to suspend the state of emergency in Nicaragua;

(3) to call upon the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

(A) a church-mediated dialogue between the Government of Nicaragua and all elements of the opposition, including the Nicaraguan democratic resistance, in support of internal reconciliation as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

(f) The President shall submit a report to the Congress 90 days after the enactment of this act, and every 90 days thereafter, on any actions taken to carry out subsections (a) and (b). Each such report shall include (1) a detailed statement of the progress made, if any, in reaching a negotiated settlement referred to in subsection (e)(1), (2) a detailed accounting of the disbursements

made to provide humanitarian assistance with the funds referred to in subsections (a) and (b), and (3) a statement of the steps taken by the Nicaraguan democratic resistance to comply with the request referred to in subsection (e)(3).

(g) As used in this section, the term "humanitarian assistance" means the provision of food, clothing, medicine, other humanitarian assistance, and transportation associated with the delivery of such assistance. Such term does not include weapons, weapons systems, ammunition, or any other equipment or materiel which is designed, or has as its purpose, to inflict serious bodily harm or death.

(h) Nothing in this section precludes sharing or collecting necessary intelligence information by the United States.

(i)(1) No other materiel assistance may be provided to the Nicaraguan democratic resistance, directly or indirectly, by any agency or instrumentality of the Government of the United States from any funds under its control or otherwise available to it unless an additional request is presented to Congress by the President and then only to the extent it is approved as provided in this section.

(2) If the President determines at any time after the date of the enactment of this act that negotiations based on the Contadora Document of Objectives of September 8, 1983 have failed to produce an agreement, or if other trade and economic measures have failed to resolve the conflict in Central America, the President may request the Congress to authorize additional assistance for the Nicaraguan democratic resistance in such amount and of such a nature as the President considers appropriate. The President shall include in any such request a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(j)(1) A joint resolution which is introduced within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (i) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (i) shall be considered in accordance with procedures contained in paragraphs (3) through (7) of subsection (c) of section 8066 of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1935), except that—

(A) references in such paragraphs to the Committee on Appropriations of the Senate the House of Representatives shall be deemed to be references to the appropriate committee or committees of the Senate and the House of Representatives, respectively; and

(B) amendments to the joint resolution are in order.

(2) This Section is enacted by Congress—
(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as related to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Mr. NUNN. Mr. President, I do not know how we are going to allocate the time. We are going to have a number of speakers. But I ask that the Chair to notify me in 5 minutes. I may have to take a few more minutes beyond that, but I would like to take 5 minutes, if that is satisfactory to my colleague from Indiana.

Mr. President, this amendment is co-sponsored by myself as well as Senator BENTSEN, Senator BOREN, Senator JOHNSTON, Senator CHILES, Senator LUGAR, Senator DECONCINI, Senator DURENBERGER, Senator NICKLES, and Senator DOLE. The amendment would provide humanitarian assistance to the democratic resistance in Nicaragua.

Everyone in this Chamber is well aware of the recent debate as to whether humanitarian assistance should be provided to the democratic resistance in Nicaragua. The administration proposal, which was very similar to this—it was not similar in legislative form but similar to the President's later commitment was a strange legislative vote, but I think most people understood the intent—passed the Senate by a narrow vote, 53 to 46, but failed in the House.

Shortly after the Senate vote, Senators BENTSEN, JOHNSTON, BOREN, and I introduced a resolution; Senate Joint Resolution 129, which would have released the \$14 million fenced last year but limited use of those funds only for humanitarian assistance.

Since then, we have revised this amendment in some substantive areas, but the thrust of it has not changed in appreciable ways.

The amendment we are introducing today would unfence the \$14 million and authorize an additional \$24 million of humanitarian assistance for fiscal year 1986. It provides that the money is to be expended by the President only for humanitarian assistance to the Nicaraguan democratic resistance and that the National Security Council is to supervise the expenditure of the money.

In listening to the debate on the floor, I was struck by the fact that most Senators seem to agree on what our policy objectives in Central America should be. Nobody believes that the Sandinistas are acting in accordance with the commitments they made to the OAS or commitments they made to their own revolution.

The purpose of this amendment is to help develop a sustainable policy that can enjoy the support of the Congress and the American people. A number of other Members of Congress have made similar suggestions. Regretfully no such compromise was reached during the last debate, and, as a result, our policy toward Central America remains in disarray.

All Senators seemed to agree that we should support democracy in Nicaragua and the rest of Central America, that Nicaragua cannot become a base

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7629

for the Soviet Union or Cuba or their surrogates, that the Sandinistas must not threaten or subvert their neighbors, and that they should live up to the promises they made to the OAS in 1979 to adopt a pluralistic, representative government. Those are the goals that I believe most people in this body would agree with.

The problem is how we should accomplish these objectives. That is where the failure has been. The administration has yet to produce a policy which enjoys sufficient support of the American people and the Congress to make it sustainable.

We might adopt something stronger than this amendment in this Chamber today, but I believe it would be counterproductive, because it would set in motion a counterreaction in the House and it would solidify opposition. Even if it were to go through the House and the Senate, it would not send the indispensable signal that must be sent if our policy has any chance of succeeding in Central America, and that is a signal that we are going to have enough support on both sides of the aisle to continue a policy, for whatever time is necessary, to accomplish our goals and objectives.

That is the heart of what we are trying to do here. We can argue about the definition of humanitarian aid, but we are trying to get enough of a consensus on both sides of the aisle so that we send that indispensable message, that we are not going to be down there for 6 months, 1 year, or 2 years. We do not have Lebanon-type provisions in this amendment. There are no time limits. We are going to continue this kind of policy as long as necessary to accomplish our goals. If that message goes out of this Chamber with the vote today, then, in my opinion, the amendment will have been a success. The policy itself may take a long time.

The PRESIDING OFFICER (Mr. ARMSTRONG). The Senator has used 5 minutes.

Mr. NUNN. Mr. President, I ask that I be notified in 5 minutes, and I will try to accelerate my comments.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. NUNN. Furthermore, in the public's eyes U.S. policy has become unjustly, and most inaccurately reduced to the issue of aid to the Contras. There is plenty of blame to go around for this—to the administration for inappropriate activities undertaken by the CIA, and the lack of a coherent Nicaraguan policy framework in which to place the Contra program, and to Congress for its inadequate oversight of the problem as well as its repeated, protracted, divisive debates which have served little to clarify the larger Central American issues involved.

This amendment is intended to be the first step in rectifying this situation. By providing aid we are affirming our support of those who stand for

freedom and democracy in Central America. But by providing humanitarian aid we are also signalling our willingness to support nonmilitary means of achieving peace and democracy in the region. In El Salvador, we have supported President Duarte's efforts at dialogue with the rebels; we should do no less in Nicaragua, nor should we expect less of the Sandinistas than that they talk to the armed opposition.

By providing now funding for humanitarian assistance in 1985 and 1986 we resolve, for a crucial period of time, the issue of what, if any, aid to give the Contras. With this basic aspect of our policy decided, the administration will have time free from legislative battles in which to reshape and restructure our complete Nicaraguan policy as it fits into our policy framework for the region. This is vital work. It must be done.

It must be clear to one and all at home and abroad that aid to the Contras is only part of a region wide strategy to deal with the challenges we face.

No one should have any doubt about those challenges. We face a struggle between brave men and women fighting for democracy and a better life on one side and, on the other side, the enemies of freedom both of the left and right. And no one should have any doubt about where America stands in that conflict. We must stand with the forces of democracy.

We have stood with the democratic center in El Salvador, we have supported the delicate transition to democratic government in Guatemala, Honduras and Panama, and we must stand with the democratic resistance in Nicaragua. There has been much rhetoric about the Contras. The President has suggested that they are just like our Founding Fathers. Others regard them as right wing terrorists. I believe the President overstates the case, but the facts are that genuine democrats, men like Arturo Cruz, who were imprisoned by Somoza and were early supporters of the Sandinistas, now believe that the Contras offer the true path of democracy. Because men like Cruz are the leaders of the Contras, it is our obligation to help them.

Many believe that we should never have begun providing assistance to the Contras, that the Sandinistas are a legitimate revolution, and that the United States should not intervene in the internal affairs of another country. Regardless of how one feels about the initial decision to support the Contras, the fact is that we did. Regardless of how one feels about the legitimacy of the Sandinista revolution—and, like a lot of other Americans, I applauded the overthrow of Somoza—the facts are that the Sandinistas have betrayed their revolution. Regardless of how one feels about U.S. intervention, the facts are that the Sandinistas are actively supporting subversion of their neighbors. And, the facts are

that the Contras began as a small group of Nicaraguans and grew as other Nicaraguans became increasingly disenchanted with the Sandinistas. I am convinced that they would have grown with or without our aid.

Moreover, it is clear that the Contras have been able to generate pressure on the Sandinistas and the Sandinistas would very much like to terminate any aid to them. In my judgment, we must design a policy that continues pressure on the Sandinistas but moves American promotion of military action to the back burner.

Our policy must also avoid the "Lebanon syndrome" in which the President and Congress establish arbitrary and unrealistic time limits to complex foreign policy goals.

The American people must believe that all avenues of diplomatic, economic, and political pressure have been exhausted if there is to be any lasting support for military related options. That is not the case today. Right or wrong, the American people perceive that the military option through the Contras has been on the front burner and is the President's course of first resort.

The challenge, I believe, is to move forward with political, diplomatic, and economic pressure, and continue the possibility of military pressure itself.

The proposal we are offering today would achieve these objectives.

Let me explain the principal elements of this amendment.

First, it authorizes \$24 million for fiscal year 1986 and unfences the \$14 million from last year, but provides that those funds may be only used by the President for humanitarian assistance which is defined as food, clothing, medicine, other humanitarian assistance, and transportation. It does not include any weapons, weapons systems, or ammunition. Because we believe that it is important that the democratic resistance be able to defend itself, the amendment specifically does not preclude the provision of intelligence information to the democratic resistance or the collection of necessary intelligence by the United States. In making these funds available, the amendment repeals the Boland amendment, but, as I will explain more fully below, does so in a way that no further assistance may be provided to the Contras unless Congress specifically authorizes.

The amendment provides that the President is to administer the assistance and that the NSC is to monitor the program. I recognize that many Senators believe that aid should be administered by the Agency for International Development or the State Department. They do not want the CIA involved. I understand their concerns, particularly as the CIA has not handled this project well in the past. However, I believe that the United States should use our assistance for the Contras as a lever to assist in fostering a

S 7630

CONGRESSIONAL RECORD — SENATE

June 6, 1985

regional solution to the conflict. Accordingly, I believe that the maximum flexibility should be given to the President to administer this assistance. The President must make a detailed report to the Congress every 90 days and, if he chooses to have the CIA involved, I can assure him that Congress will be watching very closely. I know I certainly will be.

Second, it urges the President to vigorously pursue diplomatic and economic measures, including negotiations, to implement the Contadora objectives, and to develop, in close cooperation with our allies, trade and economic measures to pressure the Government of Nicaragua. The President is also urged to suspend the economic sanctions he imposed on May 1 and to suspend military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a ceasefire, opens a dialog with the democratic resistance, and suspends the state of emergency.

Mr. President, our amendment urges the President to suspend the economic sanctions if the Sandinistas take the steps I mentioned, because we think he made a serious error in imposing them unilaterally and without any attempt to use them as a lever in the negotiations. When a number of Members of Congress, including Senator BENTSEN and I, called for economic and trade sanctions, we urged that they be done in concert with our allies—not unilaterally. We also expected that the President would use the prospect of sanctions as a lever to persuade the Sandinistas to negotiate seriously in the Contadora process. But the President did not do that. On the eve of departing for Europe, the President hastily imposed the sanctions. There was, so far as I know, little or no consultation with our allies. It should be no surprise, then, that only El Salvador has come out in support of the sanctions. What is worse, some of our best friends in the region and in Europe have condemned the sanctions and said that they would offset the sanctions by increased trade with Nicaragua. The Sandinistas have been having a propaganda field day, exploiting the lack of support for the sanctions and blaming them as the cause of the serious shortages of food and other necessities that, in fact, have been caused by their own ineptness and adherence to the Marxist/Leninist economic theories. Some sanctions.

Third, the President is also urged to call upon the democratic resistance to remove from its ranks any individuals who have engaged in human rights abuses, and the President is urged to resume the bilateral discussions between the United States and the Government of Nicaragua.

Fourth, the President is required to report to Congress every 90 days and, fifth, the amendment prohibits any further aid from any U.S. Government source unless the President requests

such assistance from Congress and Congress votes to approve. In order to request this additional aid, the President must determine that negotiations based on the Contadora principles or the other economic and diplomatic steps have failed to resolve the conflict. Expedited procedures are set out for the consideration of that request.

As I mentioned, our amendment repeals the Boland amendment; but I believe the approach we are suggesting is preferable to that taken by the Boland amendment, which prohibited any assistance, directly or indirectly, to groups engaged in military or paramilitary operations in Nicaragua. Those who wish to preserve the Boland amendment have suggested that we could enact a provision giving humanitarian aid to the Contras "notwithstanding any other law." The problem with that formulation is that it left it up to the administration to decide what assistance was humanitarian and thus could be provided, and what aid assisted directly or indirectly military or paramilitary operations in Nicaragua and thus could not be provided. That approach would have created a vast gray area in which no one could be certain what could be provided and what could not be. Our approach is much more direct. It permits humanitarian aid to be provided, strictly defines humanitarian assistance, and prohibits any further aid from any U.S. Government agency unless the President specifically requests it from Congress and we vote our approval. Thus, there could be no further military assistance, overt or covert, by the CIA or State or AID or anyone, unless Congress specifically approves. This addresses the concerns which led many Senators to support the Boland amendment, but permits humanitarian aid to be provided without ambiguity and makes it clear that no further assistance can be provided without specific approval by Congress.

Mr. President, this amendment sets forth the humanitarian assistance that may be provided to the Nicaraguan democratic resistance. By that term we mean those Nicaraguans who have taken up arms against the Sandinistas and are engaged in armed resistance.

This amendment incorporates elements from the major proposals that were considered recently, including the resolution favored by the administration, the one advanced by Senator BYRD on behalf of several Democrats, and the recommended economic sanctions suggested by Senator BENTSEN and myself. Finally, it does not include the language of Senate Joint Resolution 106—to which many Senators objected—that would have authorized supporting, directly or indirectly, military or paramilitary operations in Nicaragua. Indeed, it makes it very clear that only humanitarian assistance may be provided unless Congress gives further authorization.

I hope, therefore, that this amendment will enjoy broad bipartisan support.

This approach is a regional approach. All parties are required to do certain things. The Sandinistas are required to do only what they have already promised to do. The democratic resistance is obligated to insure that it is a truly democratic movement by purging from its ranks individuals who are responsible for human rights abuses. The United States must pursue bilateral negotiations with the Sandinistas and be prepared to suspend maneuvers if the Sandinistas take the steps that I have mentioned.

This approach calls the Sandinistas' hand. They say they are democratic. I say OK, let them prove it. This humanitarian aid will sustain the democratic resistance; it will keep the flame of liberty and hope alive.

Moreover, humanitarian aid instead of military aid should facilitate negotiations both within the Contadora framework and between the United States and the Sandinistas. Changing the nature of renewed U.S. Government assistance to the Contras will also serve to emphasize our new approach, characterized by our determined interest in a negotiated settlement. Finally, it permits the aid to be used as a lever to pursue our objectives.

This amendment puts military aid in the background but leaves the military option open. If the President concludes that the economic and diplomatic paths have failed, he may come back to Congress and request additional assistance. If he has made a good faith effort to exhaust these courses and if the Sandinistas do not modify their behavior, then the President's request for additional assistance will meet a very different reception in the Congress.

Mr. President, this amendment is designed to develop a longterm course, one that can enjoy broad bipartisan support and provide the President the basis to conduct a coherent, sustainable foreign policy. I urge my colleagues to support it.

Mr. President, for the purpose of clarity I shall read the cosponsors again. Myself, Mr. BENTSEN, Mr. BOREN, Mr. CHILES, Mr. JOHNSTON, Mr. DOLE, Mr. LUGAR, Mr. DURENBERGER, Mr. DECONCINI, and Mr. DIXON.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, shortly I will ask that the Chair allocate 7 minutes to the distinguished Senator from Texas.

● Mr. GORTON. Mr. President, I am disappointed, frankly, with all of the proposals offered so far which concern U.S. policy toward Nicaragua. Some suffer from a tendency to treat the Sandinistas and the interests of the United States naively while others would make ineffective or inappropriate policy.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7631

Let there be no doubt, the United States has reason to be concerned about Nicaragua because American interests are involved, but this doesn't mean that we must actively seek the overthrow of the Sandinista regime or support the Contras just enough to keep up the killing without a hope of success. In my estimation, it is not clear at this time that we can't reach an acceptable accord with the Sandinistas that sets the groundwork for peace and stability in the region. The administration, which has tried funding the anti-Sandinista revolutionaries and unsuccessfully sought the overthrow of the Sandinista regime, has not taken the opportunity presented by this pressure to strike a bargain for peace.

I urge the administration and my colleagues to consider the options that are available to us in a sober and objective fashion. These options, which I will discuss briefly, include continued use of various means to gain intelligence and show American resolve, economic pressure, aid to the Contras, and diplomacy.

Our understanding of the challenges posed for us in Nicaragua derives from intelligence gathering—and we must have the very best. We need to know if and when the Sandinistas ship arms to rebels in neighboring states. We need to know what the Soviets and Cubans are up to. We need to know all we can about Nicaraguan military policies, arms acquisitions, base construction, and activities that might lead to offering the Soviets or Cubans base privileges. Our efforts in this regard, with the exception of some needlessly provocative actions on several occasions, have been appropriate, indeed, imperative.

In addition, the United States has been right to show its resolve—so long as there is a serious problem—through a military presence in the region. This presence serves notice to the Sandinistas, Soviets, and Cubans that undermining peace in Central America or the Caribbean will not be tolerated. We need not, as some have suggested here today, stipulate in legislation what might constitute sufficient reason to intervene with those forces. I believe existing law which checks Presidential war powers is sufficient. Carefully defining what would constitute reason to intervene would simply suggest to those who might exploit the situation what they could get away with.

At the urging of some of my colleagues in the Senate a month and a half ago, the President embargoed trade with Nicaragua. Instead of being a response to particular Nicaraguan behavior, it was timed to serve as a substitute for aid to the Contras following the defeat of aid in the House. It appeared to be a weak, second-choice means to show American resolve. Not only was the timing poor, but my guess is that it will be counterproductive. The embargo will largely,

if not entirely, be offset by the trade from other countries and will assist the Sandinistas in blaming the problems in Nicaragua on us. It might very well strengthen Ortega's popular support. But now that we have taken this step, in spite of these shortcomings, we should see it as a flexible instrument to be reconsidered in light of Sandinista behavior.

The effects of the embargo are similar to those of funding the Contras. That aid backfired in two ways. First, it bolstered the Sandinista's fallacious assertion that the rebels were nothing more than ex-members of the Samozan national guard funded by the United States, and thus it lent support to the Sandinista's claim to embody Nicaraguan nationalism. Second, it gave them an excuse to continue their military buildup.

The difficult conditions in Nicaragua, sharpened by the pressure exerted by the administration, have not been fully exploited in the peace process. The depressed economy, anarchy in parts of the countryside, and a general sense of national insecurity in Nicaragua afford us an opportunity, it seems to me, to make a serious attempt to drive an acceptable bargain. Unfortunately, I just don't see evidence of that kind of effort by the administration. We need to take greater initiatives within the Contadora framework and, at the first instance of good faith exhibited by the Sandinistas, restart bilateral talks. That course of action, however, should not be mandated by the Congress because such a mandate will reduce to zero the chance of gaining any change in Sandinista policies in return.

Mr. President, let me summarize and conclude briefly. We should maintain our presence and surveillance in the region. We should use the embargo flexibly in response to Sandinista policy. And, above all, we should spare no effort in exhausting diplomatic avenues toward a regional peace agreement. Before we seek to overthrow a foreign government, we should fully explore the alternatives. The policy I have outlined above needs a chance to prove its viability. If it proves unsuccessful, then a reassessment will certainly be necessary.

Mr. NUNN. Mr. President, will the Senator from Indiana yield for a unanimous consent request?

Mr. LUGAR. I yield.

Mr. NUNN. Mr. President, I ask unanimous consent that Senator Exon of Nebraska be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that Senator GOLDWATER be a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, the distinguished Senator from Rhode Island has indicated that he will have an opening statement. Notwithstanding

that, if I may ask the indulgence of the Senator, so Senator BENTSEN may speak at this point for our side, we will appreciate it.

I yield 7 minutes to the distinguished Senator from Texas.

Mr. BENTSEN. Mr. President, I thank the distinguished Senator from Indiana.

Mr. President, in a bipartisan 53 to 46 majority, we voted to release \$14 million in funds for the Contras that were included in the continuing resolution for fiscal year 1985. Unfortunately, that proposal did not become law, and that is one reason we are discussing the issue once again.

I realize that many Members of this body oppose our current policy toward Nicaragua, and others who do not oppose it are skeptical of the way it has been conducted. I, too, wish we could go back to the beginning and start over. But we do not have that luxury; we have to proceed from where we are now, consider what our national foreign policy goals ought to be, and decide how we can go about achieving them.

Now there is a great deal about the actions of the Government of Nicaragua that I do not like. I do not like its Marxist-Leninist orientation; I do not like the way it censors the press or the Cardinal Obando y Bravo's homilies; I do not like the way it uproots people from their land and places them on cooperative farms. But having said all this, let me say something else: If this were all that the Sandinistas were doing, then it would be difficult to justify governmental support for the Contras. If everything the Sandinistas did had only an internal effect, then as much as I might oppose them, and as much as I would want them to change their ways, and as much as I might want to apply pressure on them because of their violations of human rights, then Government support for the Contras would not be my choice.

But the Sandinistas are not just a leftist group that is engaging in internal repression and experimenting with socialism as a possible way of solving the problems of a developing country in Latin America. Neither the political ideology of the Government of Nicaragua nor its particular philosophy of property ownership is the issue here. The issue is what they are doing that threatens the peace and stability of Central America and the long-term interests of the United States in that region, and how we can diminish this threat.

The Sandinistas are actively engaged in training guerrillas who are trying to overthrow by violence the governments of El Salvador, Honduras, and Costa Rica. We have discussed the control and communications facilities that the Sandinistas admit they are providing for the five guerrilla factions in El Salvador. We have discussed the arms and ammunition the Sandinistas have been providing to

S 7632

CONGRESSIONAL RECORD — SENATE

June 6, 1985

many of these same guerrillas. And we know that much of this has been going on almost since the time the Sandinistas took over in Nicaragua. This is a group that came to power promising democracy and respect for its neighbors.

We have discussed on more than one occasion recently the size and composition of the Sandinista armed forces, which have grown so large that they are in a position to intimidate their neighbors. I do not see any need to talk about the specific numbers again; we should all understand by now the implications of the Sandinista military buildup and what it portends for the peace of the region.

Let's discuss last April's congressional vote on Contra aid and our policy toward Nicaragua. Many Members wanted to give the Sandinistas an opportunity to show their good faith, and to do so they voted against aid to the Contras. Well, we saw immediately just what good faith on the part of the Sandinistas means. Hardly had the last votes been cast than Daniel Ortega was off for Moscow to greet Mikhail Gorbachev and to ask him for additional aid. This action should not have been too surprising, and I believe it underscores one of the ultimate dangers posed by the direction the Sandinistas are presently heading.

The same people are saying the same things. That somehow the United States drove the Sandinistas into the arms of the Russians. That the United States has been hostile to the Sandinistas from the beginning. Well, that is just not true. While we were sending aid, they were establishing the second Soviet satellite in this hemisphere and the first on the North American Continent. Today, an armed Nicaraguan minority, advised and backed by 3,000 or so Russian, Cuban, East German, Bulgarian, and PLO military advisers is busy suppressing the Nicaraguan majority.

From the beginning, the United States tried to help Nicaragua's revolution fulfill its original promises. Immediately after the ouster of President Somoza in 1979, we airlifted food to feed the thousands of people displaced by the conflict. Over the next 2 years we gave the new government five times as much aid as we had given its predecessor during its last 2 years. This Senator voted for such aid. In fact, our \$117 million was more than Nicaragua received from any other nation in the world during those first few years. In addition, we helped arrange rescheduling agreements with commercial banks and new loans in multilateral development banks, and we made special efforts to strengthen the private sector of Nicaragua's economy.

But while the United States was trying to lend a helping hand, the Marxist hardliners among the revolutionaries were consolidating their power, radicalizing their programs, driving out those who did not share

their ideology, and beginning to provide military assistance to guerrilla movements in neighboring countries. The Sandinistas leave few illusions to comfort their supporters in this country. Tomas Borge brags of their revolution without boundaries, and they flaunt their increasing ties to the Soviets. They spurned our friendship and refused to accept even our Peace Corps volunteers. They abandoned their professed commitments to democracy, and they embarked on a course of action that has gotten them—and us—to the point we have reached today.

Mr. President, I think it is now time for us to acknowledge that the hopes which many of us had for the Sandinista regime have been disappointed; that their revolution has turned sour and become a threatening presence in Central America.

I believe there is a substantial sentiment in this body in support of actions to persuade the Sandinistas to change the direction in which they are so clearly headed. What is being offered here today is a comprehensive proposal for doing precisely this. This amendment endeavors to codify the consensus on U.S. policy which I believe already exists in the Senate and which may well be emerging in the other body as well. It provides a mixture of pressures and incentives for Nicaragua to change course at home and in its dealings with its neighbors.

I believe this measure is a strong signal of U.S. support for the democratic opposition. It provides encouragement and support for the diplomatic process. It is not draconian; it is not one sided. It calls upon our own Government to reenter bilateral negotiations with the Sandinistas; and it says we should refrain from military maneuvers near Nicaragua and suspend the trade embargo if the Sandinistas will agree to a cease-fire, to a dialog with the democratic resistance forces in Nicaragua, and to a suspension of the state of emergency.

It calls upon the Contras to eliminate from their ranks any individuals who have engaged in human rights abuses.

Furthermore, this amendment recognizes the legitimate concerns of the Congress about the way the Nicaragua program has been conducted in the past by limiting assistance to the Contras to the funds released and authorized in this statute. It does not provide a backdoor for any other aid to the Contras, whether covert or overt.

No one can be sure what the Sandinista response to these proposals will be. I hope that they will see our determination and will turn aside from the course they have been pursuing.

But I am convinced they will do so only if there is sufficient pressure on them from within. A crucial component of this package, consequently, is release of the \$14 million in humanitarian assistance for the democratic resistance forces in Nicaragua for this

year, plus the authorization of \$24 million in such assistance for fiscal year 1986.

Today, even without U.S. assistance, the Contra forces have grown to twice what they were last year, and they are continuing to grow at a rate of 500 a month. It is not at all unusual for a patrol to go out with 20 commandos, as they call themselves, and return to their base camp with twice that many. They are raising private funds, but it is vital that we give their efforts our stamp of approval, both for the morale boost it offers the Contras and for the message it sends both to the Sandinistas and to the other governments in the regions.

I want to emphasize, too, that the Contras are not mercenaries, despite the Sandinista propaganda claims. Almost all of them are simple peasants—Campesinos—who say they are fighting because they have had their land taken from them, because they have been placed on cooperative farms, because they want to be left alone to raise their crops and their families. They are not receiving any pay for their service, only beans and rice and bullets. They are willing to give their lives for their own interests in Nicaragua, but in doing so they are also fighting on behalf of the interests of the United States.

In closing, I want to emphasize that if the Sandinistas succeed in eliminating the Contras and consolidating their power with Nicaragua, they will pose an even greater threat to the peace and stability of the region. The primary obstacle to this is the pressure exerted on them by the Contras; and if we take the pressure off, if we abandon the one force that is currently engaging their attention, then I am confident the Sandinistas will increase their active support of insurgencies, and their violence, censorship and suppression will spread to the other countries of Latin America. The stream of refugees headed toward Mexico and the United States will turn into a torrent, and San Antonio, the 10th largest city in the United States, will be well on its way to becoming the first.

It is legitimate, necessary, and right that the United States be concerned about the safety of its neighbors and that it exert its influence against those who would subjugate a free people. We are a leader among the nations of the free world and we should measure up to that responsibility. We cannot abdicate that responsibility with a return to the short-term cop out of isolationism. We should do what we can to discourage the Sandinistas' regional adventurism and to encourage the elimination of their military ties with the Soviet bloc, and I urge your support of this amendment as a reasonable and comprehensive way to achieve this objective.

Mr. PELL. Mr. President, I yield myself such time as is necessary.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7633

Mr. President, I want to commend the sponsors of this amendment for their real efforts to find a middle-ground position that might attract bipartisan support to achieve peace in Central America. In particular, their effort to define more clearly what constitutes humanitarian aid is an improvement over the earlier versions of the approach embodied in this amendment.

Regrettably, however, I believe it still falls short of constituting what I would consider an approach that leads to peace rather than a continued conflict, because, as I read this amendment, it would not clearly prohibit the provision of trucks, jeeps, communications equipment, and other items that, whole nonlethal in and of themselves, would support the continuation of a conflict in violation of our commitment under the OAS charter and in violation of our own national interests.

But even if the definition of humanitarian aid were further clarified to prohibit providing the equipment I have just described, giving humanitarian aid would still permit the Contras to divert funds now being used for such things as food, medicine, and clothing to be used to acquire military equipment.

More importantly, however, paragraph (1)(2) of the amendment is dangerously flawed and, if enacted, would come close to constituting the sort of Gulf of Tonkin kind of open invitation to the President to take whatever action he considers necessary to resolve the conflict. As one of the few Senators left who made the bad mistake of voting for the Gulf of Tonkin resolution some years back, I am always perhaps extra sensitive to any analogy in this regard.

The two bases for the Presidential determination contained in this paragraph appear, in fact, to be designed to encourage the President to escalate American support for or direct involvement in the Contra effort to overthrow the Government of Nicaragua.

Why do I believe this? First of all, the determination relating to the Contadora document of objectives does not require that Nicaragua be responsible for any failure to reach an agreement based upon that document. Only a few months ago, Nicaragua and other Central American countries were prepared to sign a Contradora-sponsored treaty, but pressure from our own administration caused the other Central American Governments not to sign. Furthermore, we should remember it was the United States that unilaterally broke off the bilateral talks with Nicaragua in Manzanillo that might have resolved United States-Nicaraguan differences regarding the Contadora treaty.

Nothing has happened since then holds out any promises that the administration is really serious about resolving differences with Nicaragua so as to achieve a treaty.

The second determination relating to the failure of trade and economic measures to resolve the conflict in Central America is also destined to be a foregone outcome. Most, if not all, of our allies in the region and in Europe have absolutely refused to cooperate in the American sanctions effort, and Nicaragua has already taken steps to negate the effects of the sanctions. These sanctions, which will affect mainly the middle income and the private sector groups in Nicaragua, will not, in my view, prove effective. The vacuum will be quickly filled up by other willing suppliers. Frankly, I think the application of economic sanctions usually is the same as if one shoots one's self in the foot.

So the President will have no problem in making either of the determinations provided for in paragraphs (1)(2). I predict that if this provision becomes law, the administration will be back with requests that will boggle the mind. The language in this paragraph that states "The President may request the Congress to authorize additional assistance for the democratic resistance in such amount and of such a nature as the President considers appropriate" could, as I read it, be escalated to include the sending of U.S. military forces to fight in Nicaragua.

I think, in general, while this amendment is a true effort at achieving a bipartisan approach, it does not do the job that I would like to see it do.

Finally, from my own viewpoint, I think we should be honest with ourselves. To my mind, the Contras really are terrorists. The definition of terrorism is the changing of the policy of government through violence and murder and the like. This is exactly what the Contras are seeking to do now in Nicaragua.

In addition to that, the difference between a freedom fighter and a terrorist is, to my mind, pretty clear. A freedom fighter is somebody who goes after military objectives, military targets, and installations of the government that they are trying to overturn. A terrorist is far more indiscriminate in the damage that he or she does and a good many civilians get killed in the process.

About a year ago, the rough estimate was that some 4,000 civilian casualties had taken place as a result of the action of the Contras. Now, terrorism, I think, should be opposed, and we do inveigh against it. But when it is practiced, we should be honest with ourselves and recognize that we, too, are using terrorism as a weapon.

So, for all of these reasons, I find myself in opposition to this amendment but in praise of the motives that caused it to be written.

Mr. KENNEDY. Mr. President, will the Senator from Rhode Island yield me 5 minutes?

Mr. PELL. I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will vote against providing so-called "humanitarian assistance" to the Contras because of one undeniable, irrefutable, nondebatable fact: This assistance is nothing more than logistical support for the Contras war against the Government of Nicaragua, and I do not believe that the United States of America should be in the business of overthrowing governments.

U.S. support for this war has been a mistake from the beginning. It is a mistake to continue it today. The policy is wrong—legally, morally, and practically. It has been a failure to date, and it has no hope of success in the future. It has also been an embarrassment to the United States throughout the world.

Within 6 weeks after President Reagan took the oath of office in 1981, he endorsed the CIA's plan to organize and to fund paramilitary activities against the Sandinista Government in Nicaragua. This decision brought the United States into an alliance with an army that was, at that time, dominated by the leaders of Somoza's notorious and hated national guard. We should not have signed on with the Somocistas then; we should not be supporting them today. In 1981, Mr. Reagan turned to the secret use of military force as his course of first resort, he signed us up to support a covert war run by the forces of reaction and repression, and our policy toward Nicaragua has been hostage to that decision ever since. It is high time that we changed course.

The issue today is really no different from what it was a year ago, or just last month, when the Congress rejected providing military assistance to the Contras. That issue is: Should the United States of America help the Contras in their efforts to overthrow the Government of Nicaragua?

Changing the label from military assistance to humanitarian assistance does not change the fundamental issue. Clothing given to people fighting a war is called uniforms; food given to armed forces in combat is called rations; footwear for soldiers is boots; and medical assistance to men in battle is used to treat the wounded.

In fact, the use of the term "humanitarian assistance" is totally misleading. We are not talking about providing "humanitarian assistance" here; we are talking about providing logistical support for the Contra combatants fighting to overthrow the Sandinistas. The definition of "humanitarian assistance" as set forth in the Geneva Conventions and Protocols requires that humanitarian assistance be administered by an organization independent from the parties of the conflict, that it be distributed to noncombatants only and then only on the basis of need, and that it be available

S 7634

CONGRESSIONAL RECORD — SENATE

June 6, 1985

impartially to all affected civilians on both sides of the conflict. This proposed assistance flunks the test on all counts. Simply put, this is more money for more war.

If this assistance were really "humanitarian," the cosponsors would not be asking for so much. This amendment authorizes the appropriation of \$24 million. This is an arbitrary, in fact, an irrational sum that bears no relationship whatsoever to the legitimate humanitarian needs of those Nicaraguans who have left Nicaragua and now live in Honduras. To see how irrational this figure is, one only needs to compare it with actual expenditures being made today by the United Nations High Commissioner for Refugees [UNHCR] which has a full-blown refugee assistance program for Nicaraguans living in Honduras.

According to most recent counts, the UNHCR provides assistance for 19,093 Nicaraguan refugees inside Honduras. In 1983, the UNHCR budget for the Nicaraguans was \$4 million; the budget 1984 was \$4.08 million. That amounts to an expenditure of \$213 per Nicaraguan per year.

Now it is proposed that Congress make available \$24 million to the Contras in fiscal year 1986. Assuming that the Contras now number somewhere between 15,000 and 20,000 combatants, this amendment would produce an expenditure of between \$1,200 and \$1,600 per Contra per year. This figure should be put in the context of an average annual per capita income for Nicaraguans living inside their country of around \$500.

Make no mistake about this vote: A vote for this \$24 million in so-called humanitarian assistance will put \$24 million worth of guns and bullets in the hands of the Contras just as surely as if we were to deliver these weapons directly. A vote for this amendment is a vote for more war in Nicaragua and more killing by the Contras.

Although the issue has not changed from our earlier debates on this subject, in many ways, the debate has been clarified. No longer are we operating under the illusion that, by assisting the Contras, the United States is simply trying to halt the flow of arms from Nicaragua to the guerrilla forces inside El Salvador. No longer are we told that we must support the Contras to pressure the Sandinistas into restoring basic freedoms inside Nicaragua. No longer is the purpose of the President's policy in any doubt: President Reagan wants Congress to support the Contras because he supports the aim of the Contras—to overthrow the Government of Nicaragua by force. The issue before the Senate today is whether we will authorize the expenditure of \$24 million to be used to overthrow a government that we do not approve of. That is a goal unworthy of the United States of America, and we should reject it.

And who are the people who will be receiving this assistance? Are they worthy of our support? Do they deserve our assistance? Do they represent the best ideals of America?

On this question, there has also been some clarification over the past few months. No longer is it possible to believe that the Contra commanders are the moral equivalent to our Founding Fathers. In fact, it is a travesty to compare Enrique Bermudez to Thomas Jefferson or John Adams or James Madison. On the contrary, there have been repeated and reliable reports of gross atrocities by the Contra combatants, of prisoners being executed, of innocent women and children being raped and mutilated, of civilians being murdered. How can the Congress, in all conscience, provide an additional \$24 million to support people engaged in this kind of outrageous and criminal conduct.

But one more clarification is needed: We are not engaged today in a debate about the political shortcomings or character defects of the Sandinistas. No one here is proposing a resolution of support for the Sandinistas, and I doubt that there is much disagreement here about the nature of the Sandinista leaders or about their ideological proclivities. I am no fan of the Sandinistas, and I think we all understand that the Sandinistas are not champions of freedom and democracy. The real question is what the United States should do about it—consistent with our own best values and in conjunction with our own best friends and allies.

Daniel Ortega's trip to Moscow was shocking, but not for the reasons most people give. After all, Ortega has been to Moscow on other occasions, and his fellow commandantes have also visited such bastions of freedom as Libya and Bulgaria. The fact that the Sandinistas are friends of the enemies of freedom is not new.

Ortega's trip was shocking because of its deliberate timing. His decision to go to Moscow right after Congress voted to withhold further assistance from the Contras demonstrated both arrogance and insensitivity. But arrogance and insensitivity is nothing new from the Sandinistas. Ortega's trip to Moscow was troubling to me for another reason; it showed that the Sandinistas care more about the views and opinions of the leaders of the Soviet Union than they do about the respect and good will of the people of the United States of America; it showed that the Sandinistas are just as unwilling to live with the reality of American influence and power in Central America as some Americans are to live with the reality of the Sandinista revolution in Nicaragua. If the Sandinistas want continued confrontation with the United States, they should know that there are plenty of Americans who are happy to oblige them. But that kind of collision course, in my

view, would be a disaster for Nicaraguans and Americans alike.

But Ortega's trip is also evidence of the increased influence of the Soviet Union inside Nicaragua. I believe that this, at least in part, is attributable to President Reagan's alliance with the Contras and his unequivocal statements that he seeks to make the Sandinistas cry uncle.

The President's policy toward Nicaragua has not only failed; it has been positively counterproductive. We share the President's concern about the policies of the Sandinista Government. We share his concern about the influence of the Soviets and the Cubans in the region, and, more particularly about their presence and influence inside Nicaragua. We share his concern about Sandinista efforts to export their revolution and to subvert neighboring countries, although the evidence is far from clear on this point. We share his concern about the increased size and strength of the Nicaraguan military. And we share his concern about human rights abuses inside Nicaragua—particularly the Sandinistas' inhuman treatment of the Miskito Indians and other indigenous populations inside that country.

But when you examine what has happened with respect to each one of these concerns, the Reagan approach—continued support of the Contras war—has made matters worse, not better. Rather than reducing Soviet/Cuban influence inside Nicaragua, the Reagan policies have, over the past 5 years, resulted in an increase in that influence. Rather than reducing the size of the Nicaraguan military establishment, the Reagan policies over the past 5 years have prompted a growth in the size of the Nicaraguan Army that is unprecedented in that nation's history. Rather than undermining the influence of the Sandinistas in the region, the Reagan policies have transformed Daniel Ortega into a heroic David doing battle with a bullying American Goliath. Rather than producing greater freedom inside Nicaragua, the Reagan policies have only given the Sandinista hardliners a pretext to crack down on dissidents inside Nicaragua.

U.S. support of the Contras has failed, it cannot succeed, and we should terminate it altogether.

But what about the trade embargo?

This amendment calls upon President Reagan to "develop, in close consultation and cooperation with other nations, trade and economic measures to complement the economic sanctions of the United States imposed by the President on May 1, 1985." The President's decision to declare a national emergency and to impose a unilateral, comprehensive trade embargo on Nicaragua was a gesture, not a policy, and it will only compound our problems in the region.

As a matter of principle, I have nothing against economic sanctions,

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7635

when they make sense. In fact, I have introduced legislation with Senator WEICKER that would impose certain economic pressures on the Government of South Africa in an effort to encourage nonviolent change and the dismantling of apartheid in that country.

But I do not believe that a wholesale trade embargo against Nicaragua, imposed unilaterally by the United States, in the absence of any consultation or support from our friends and allies in the region makes any sense.

First, this trade embargo only heightens the perception that the United States is no different from the Soviet Union in its treatment of its smaller and weaker neighbors, that the United States is a bully, and that Nicaragua is a victim. Daniel Ortega will only become an even greater hero among the people of his country and among the people of the hemisphere, particularly among the youth. Outside observers perceive Nicaragua to be our Poland, our Czechoslovakia and perhaps ultimately, our Afghanistan. The embargo will only fuel anti-American, anti-Yankee feeling in Nicaragua and in the region generally.

Second, because of the embargo, all the failures of the Sandinista revolution can now be laid at the feet of the Americans. The Nicaraguan economy is failing now because of serious mistakes by the Sandinistas themselves; the embargo will only permit the Sandinistas to escape responsibility for their own errors and to blame the United States for all economic problems inside their country. Whenever a Nicaraguan cannot get a spare part, whenever he or she must stand in line for 3 hours to buy soap or toothpaste or toilet paper, whenever a car breaks down and cannot be fixed whenever the buses run late, whenever crops fail, whatever bad that happens will now be blamed on the U.S.-sponsored trade embargo. As a result, the standing of the Sandinistas inside Nicaragua will only be enhanced.

Third, a unilateral trade embargo will inevitably be counterproductive. The trade embargo will not reduce the influence of the Soviets inside Nicaragua; it will only increase it. The embargo will not reduce the strength or resolve of the Nicaraguan military; it will only increase the garrison state mentality inside that country.

Fourth, this trade embargo will do most serious damage to the opposition forces inside Nicaragua who depend upon trade with the United States for their independence and existence. The private sector is the backbone of La Coordinadora, the most important opposition force functioning inside Nicaragua today. The embargo strikes at the lifeblood of the private sector and damages its ability to operate separate and apart from the Government. It is for this reason, I presume, that both Arturo Cruz and Cardinal Obando y Brava—two of the most eloquent and outspoken critics of the Sandinistas

inside Nicaragua—have been so critical of the embargo.

Finally, this trade embargo damages our standing with our friends and allies in the region and undermines the Contadora process. In this hemisphere, the lack of support for President Reagan's initiative has been dramatic. Only El Salvador has supported the President's action. This kind of unilateral initiative by the United States can only serve to undermine the multilateral efforts of the Contadora nations to achieve a comprehensive resolution of the conflict in Central America.

Opposition to this embargo has not been limited to this hemisphere. Right after President Reagan declared the national emergency and imposed the embargo, he traveled to Europe where he met with some of our most important allies. Not one of those allies has endorsed President Reagan's initiative. Many were openly critical, some are openly assisting the Sandinistas efforts to overcome the embargo.

In addition to providing additional funds for the Contras' war, this amendment repeals the Boland amendment and unleashes the Central Intelligence Agency to work with the Contra forces by sharing intelligence information.

These provisions, if enacted, will for the first time, permit Americans to participate in the conduct of the Contras' war against the Sandinistas. Congressman BOLAND's language stated that no funds available to the CIA or the Defense Department could be expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement or individual. Now that the President has owned up to his real intentions and made clear what his true objectives are, Congress should not reverse itself and give carte blanche to the CIA to assist the Contras in their efforts to overthrow the Government of Nicaragua. By the same token, Congress should not liberate the CIA to participate in the Contras' military operations, as is also proposed in this amendment. These two provisions—the repeal of Boland and the licensing of the CIA to share intelligence information with the Contras—can only result in the direct involvement of U.S. personnel in the conduct of the Contras' war against the Sandinistas.

Make no mistake about the implications of these provisions; by enacting this amendment, the Senate will be giving the CIA and the DOD explicit authority to participate in the Contras' war against the Sandinistas. In this respect, this amendment is tantamount to another Gulf of Tonkin resolution. In future years, historians will look back and say this was our first step onto a slippery slope that will lead to massive involvement of Americans in the war in Nicaragua. The CIA's participation today will only

lead to our GI's involvement tomorrow.

Mr. President, I oppose this amendment because, in so many ways, it magnifies and perpetuates the most serious flaw in President Reagan's approach toward Nicaragua over the past 5 years, our pursuit of unilateral measures at the expense of ongoing multilateral efforts to achieve a comprehensive regional settlement. In our efforts to influence the direction of events inside Nicaragua, we should understand, first and foremost, that the history of that country has revolved around frequent and repeated unilateral interventions by the United States. We should understand that, by persisting in our efforts unilaterally to influence events inside Nicaragua, we are engaged in a self-defeating enterprise. For every action by the Americans, there is an equal if not greater anti-American reaction of the Nicaraguans. The revolution inside Nicaragua today is being fueled by high-octane anti-Americanism, and this amendment will rev up the anti-American engine to a fever pitch.

We should instead be working through multi-lateral channels, working with friends in the region, and we should support the Contadora process.

For all these reasons—and for all of the reasons I outlined earlier in support of other amendments—I urge my fellow Senators to oppose this amendment. In casting our votes against more war in Central America, however, let us also send a message to the Sandinistas: "You too must change course. You too must move towards national reconciliation. You too must give peace a chance. Time is running out."

Mr. LUGAR. Mr. President, I yield 10 minutes to the Senator from Oklahoma, Senator BOREN.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I thank the Senator from Indiana.

Mr. BOREN. Mr. President, I have sponsored and cosponsored many amendments in the past 6½ years of serving in this body. The vast majority of them I supported from a firm conviction that their passage was in the best interests of the people of my State and this Nation. Some others I have supported, not just as measures representing the best interest of the people, but as legislation that was vital to the interests of this Nation. I place this amendment in the latter category. I truly believe the passage of this amendment, at this time, in this forum, is vital to the interests of the United States.

A year and a half ago, I was privileged to serve as an observer of the Presidential elections in El Salvador. Recently, with Congressman GLENN ENGLISH, I returned to the region for talks with a wide cross-section of political, religious, and civic leaders in El Salvador, Honduras, and Nicaragua,

S 7636

CONGRESSIONAL RECORD — SENATE

June 6, 1985

including the Presidents of the first two nations and the Vice President of the third.

Certainly, on the basis of two visits to the region, I do not claim to be an expert on Central America. I have, however, endeavored to learn as much as I possibly could and the two opportunities for a firsthand view certainly enhanced my understanding and opened my eyes to developments that had previously escaped my attention.

I went to the region inclined to favor aiding the Contras, but skeptical about the chances for changing the internal course in Nicaragua away from Marxist control. I came back believing that there is a deep and widespread desire of the people there for true democracy and that given the right combination of circumstances there is a realistic chance to prevent the establishment of a Communist government in Nicaragua without any direct use of American military force.

To achieve success, however, the United States must continue to give the tools to the local people themselves to bring political, military, and diplomatic pressure to bear against the Sandinista government.

I am also convinced that if we fail to give support to the local forces in the region which are fighting for freedom, we will ultimately endanger the security of all of the nations of Central America and our own security as well. The best way to assure that young Americans will not ever have to fight and die in Latin America to protect our national interests is to give the tools to Central Americans to defend freedom themselves, in their own homelands.

As a preeminent power in this region, there is no way that we can avoid taking action. As President Napoleon Duarte of El Salvador said to me, "Even a failure to act by the United States constitutes an action." He meant that if we fail to exert any pressure on the Sandinistas, it will send a message of nonsupport to our friends and it will embolden our enemies.

The situation in El Salvador which I found in May was markedly improved from a year earlier. The Duarte government won a clear majority for the moderate center in the parliament. Political violence is a fraction of what it was 1 year ago. The strength of Communist guerrilla forces has declined and the number of polling places where they disrupted elections was down by 500 percent from 1 year ago. Important judicial and land reforms are progressing. There are many reasons for the progress and President Duarte himself deserves much credit for his moderate and courageous approach.

The pressure placed on the Sandinista government by the Contra activity and by brave opposition political leaders inside Nicaragua has also clearly reduced the level of help which

has been coming from Nicaragua to Communist guerrillas in El Salvador.

The surest way to destabilize El Salvador and forfeit the gains made is to make the pressure off the Sandinista government.

My recent visit to Nicaragua also firmly convinced me that if we withdraw all support from opposition forces in Nicaragua the inevitable result will be the consolidation of a Communist regime there. We will have another Cuba in our own backyard. This time it will not be surrounded by water, but will be connected by a continuous land mass which joins our own borders. Its own boundaries with its immediate neighbors are hard to determine geographically and easy to penetrate.

If anyone is naive enough to believe that the present Sandinista government will moderate and allow for a pluralistic democracy voluntarily, they are closing their eyes to all clear evidence. They should ask themselves, why is the church being oppressed? They should ask, why must the sermons or homilies of former Archbishop and now Cardinal Bando Y Bravo be submitted to government censors 24 hours before they are delivered? They should ask, why are the church schools forced to allow special teachers to begin Marxist indoctrination at age 10? They should demand to know why is the free press, including *La Prensa*, which so valiantly opposed the Somoza regime, so heavily censored? One day after Congress defeated aid to the Contras and on the day before President Ortega departed to Moscow, the paper was so heavily censored that it could not even go to press.

That was one of the photos censored from *La Prensa*, a photo showing the special store where only special Sandinista officials can buy.

Those who believe that this government will change should ask, why are political block captains being used to control food ration cards necessary to obtain food and sparsely stocked markets? They should ask, why are special well-stocked stores reserved only for shopping by privileged Sandinista officials if this is truly a government dedicated to equality? They should ask, why are small farmers in the northern areas being forcibly relocated to camps after the government burns their small houses, and takes their livestock?

The pattern is all too clear. As one Nicaraguan said to me, "I fought against Somoza. I was a true Sandinista and still consider that I am a true revolutionary for democracy, but the Communists have stolen our revolution from us. In the earlier broad-based junta and government which was broadly representative, those with democratic philosophies were placed in nonsensitive jobs and the Marxists took control of the army, and police and instruments of control." The pattern, Mr. President, is all too tragically

reminiscent of many other places in the globe like Eastern Europe.

As I said earlier, I wish that every Senator could have shared in my experiences. I wish that they could have joined Congressman ENGLISH as he visited with the people on the streets of Managua, away from the ears of government officials and found them virtually unanimous in their opposition to the current government. I wish that the entire Senate could meet Violetta Chamarro who, with her brother-in-law, publishes "*La Prensa*." Her husband was murdered by Somoza and the paper was burned. She joined the revolution and served in the first Sandinista junta. She resigned after the Marxists took over. Now she struggles on against censorship and threats to continue her fight for freedom against the Marxist dictatorship as bravely as she and her husband fought against the dictatorship of the right under Somoza.

I wish that every member of Congress could talk to Cardinal Bando Y Bravo who himself has narrowly escaped machinegun attacks twice. How can there possibly be any justification in any free country for the continuation of censorship of his words to his flock? Clearly the Pope, in elevating this Archbishop to the position of Cardinal, has sent a clear message to the world. Even so, the Marxist regime is now financing its own created so-called peoples church to try to undermine the continuation of the free church.

I wish that they could have met Virgillio Godoy, who had the courage to resign as Minister of Labor when he found that the government was creating its own state labor union to destroy the free labor movement.

I wish that all of my colleagues had been with me when the Chamarros and Virgellio Godoy asked me, "Are you going to abandon us? Are you going to walk away and leave us here to fight alone?" I, for one, could not look them in the eye and answer yes to those questions.

These people know what it is like to live under the Sandinistas. They know what a block committee is and how those committees report on neighborhood activities. They know about indoctrination techniques and the special tours arranged for visiting Americans and others who are given an effectively slanted and carefully controlled view when they come as guests of the Sandinistas.

Mr. President, finally, I wish that the American people could have joined me in paying a visit to a group of Contras inside the battle zone. I talked first hand with a small group of about 50 Contras returning from a patrol.

With all due respect to the Senator from Rhode Island, if he could have been there with me and talked to the young people, I think he would have joined in calling them freedom fighters.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7637

Some had been fighting for as long as 3 years. Others were recent recruits. One was a 16-year-old girl carrying a machinegun. After talking with them I had a better understanding of why the Contra forces are growing so rapidly, perhaps at a rate of increase of 500 or 600 per month. I had a better understanding of why the morale is so high and why, if given the tools, I believe they have some chance of ultimate success and can certainly prevent total consolidation of the Sandinista regime.

They are all Nicaraguans from the grassroots of the country. They are mainly very young—not old enough to have been in uniform under Samoza. They are not mercenaries. They get no salary, only about 45 cents per day worth of rations and second-hand clothes. They fight with captured East Block weapons.

One after another told me that he joined the Contras after the Sandinistas took his farm and burned their houses or took his parents to what they all called concentration camps where they also collected the few cows, pigs, and chickens which the farmers had previously owned. One was a young teacher who told me he was a Christian and refused to teach communism to children so he was fired. They are a grassroots force to be reckoned with and they are growing. While I was in Managua they succeeded in raiding a major town in the central area 45 miles east of the capital and severed road traffic.

For those who see parallels to Vietnam, they should consider that here it is the Communists who must fight against a grassroots group using effective raiding tactics in very rough terrain. Here it is the Communists who are burning out small farmers and hamlets and are turning the people in the countryside against the government just as they are alienating the religious community and city dwellers through food rationing, the military draft, and favoritism for high government officials.

All of these experiences leave me with the conviction that we must devise a method of assistance that can be supported openly by this Congress and the American people. I believe we have found it in this amendment.

One of the best things about this amendment is its bipartisan nature. I have spoken before on this floor about the need for bipartisanship in the Nation's foreign policy.

If I may return a moment to my recent meeting with President Duarte, he emphasized the need for a united bipartisan approach. He went on to say that in his opinion the battle for the Third World is a battle between ideologies, not a battle between nations. If the democracies of the world do not have a strategy, the other side does.

A united front, he said, is what the resistance to Communist aggression in Central America needs most. The

Communists exploit the unique American propensity to speak in many voices. They want to negotiate because they expect to win through the inaction of Congress what they cannot win in battle or from the voluntary support of their own people.

This Congress and this country should be exporting democracy, not withdrawing from the field.

This amendment in that sense is an export amendment—it seeks to export democracy. It provides \$24 million in carefully defined humanitarian aid to the Contras—overtly provides and it sets up a mechanism for monitoring and reporting to Congress every 90 days.

While it unfences the \$14 million already approved by repealing the so-called Boland amendment, it contains language that reinstitutes the intent of Boland by prohibiting any further assistance without the specific request of the President and the approval of the full Congress. This is a reasonable approach and in my view virtually the least this Senate should do to aid the Contras, the region and our own national interests.

Mr. President, I close by returning one last time to my conversation with President Duarte. One of the strengths of the Communist countries, he said, was that they help each other. In Nicaragua today are Cubans, Soviets, East Germans, Bulgarians, and some reports say even the PLO. One of the problems we have with the Sandinistas now is that they aid other revolutions in neighboring states and even in South America, despite their own internal difficulties. They help each other.

One of the difficulties with democracies is that, by and large, they are inwardly focused and pay not enough attention to what is occurring outside their own borders, unless it has a direct and immediate effect on them. Democracies seem ill equipped to patiently pursue a consistent policy over a long period of time which helps their friends.

Mr. President, it is time to take a small step toward altering that equation. This amendment is the instrument of that step and I urge my colleagues to support it.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I thank the distinguished Senator for yielding me time.

With regard to the amendment offered by the distinguished Senator from Georgia, I have some questions which I would like to propound to the Senator from Georgia during the time I have been allotted. I have a couple of questions which I discussed earlier with him which I would like to have clarified, if I could, prior to voting on the amendment.

As I understand the Senator's amendment, further material assistance to the Contras above that specifically contained in this amendment would be prohibited unless the Congress were to vote to approve such funds.

While I am pleased that the amendment protects this body's prerogative to authorize and appropriate funds for the Contras and assures another opportunity to assess the situation further down the road, I am extremely concerned that while well intentioned, the prohibition for further assistance in this measure may in fact not be loophole free.

My colleagues are familiar with the Boland amendment which has been in effect for 2 years. Before this body takes a new approach to the problem, it is my hope that the distinguished Senator from Georgia would be willing to answer some questions about the intent and effect of his amendment.

As I understand it, the Boland amendment prohibits all funds available to the CIA, the Defense Department, and all other U.S. agencies involved in intelligence activities from being obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any national group, organization, movement, or individual. That is the language in the Boland amendment.

It is clear to the point, that, as best this Senator can determine, it does the job it must do. It prohibits all funding of all activities that would support military operations in Nicaragua. That law includes, but specifically is not limited to, and that is my point, funding of the army commonly known as the Contras or, as some people call them, the freedom fighters.

My first concern about the pending amendment is that while it prohibits funds above the amount that it authorizes from being provided to the democratic resistance in Nicaragua, it does not prohibit U.S. funds from being used in other ways to support or to conduct military operations in Nicaragua.

I see only one way to read this amendment. Unlike the Boland amendment, it would allow the CIA to conduct independent paramilitary operations in Nicaragua. In other words, it seems clear that what is not prohibited is, in effect, authorized. That is the lesson we have learned over the past 2 years as we struggled to legislate and limit some of these covert operations. Nothing in the Senator's amendment before us limits U.S. funds from being used to conduct covert military operations in Nicaragua.

What I would like to know is, is that the intent of the amendment of the Senator from Georgia? If not, how does this amendment deal with the funds available to the CIA in its contingency reserve to conduct such oper-

S 7638

CONGRESSIONAL RECORD — SENATE

June 6, 1985

ations absent a distinct prohibition against such operations?

Mr. NUNN. The question my friend raises is one I have struggled with a great deal in preparing this amendment and redrafting it and discussing it with others who are my cosponsors of this amendment. I know the Senator from Indiana has looked very carefully at this. His staff and my staff have worked together. It is a complicated area.

Let me see if I can answer it in a way that is understood.

This amendment deals only with the question of providing assistance to the Contras.

The Senator has raised the matter of unilateral action by the CIA in Central America that is not related to the assistance to the Contras. In my opinion, that must be dealt with under existing law. Under existing law, Nicaragua would be like any other country. It would be regulated by the laws and procedures governing the intelligence community. There would be congressional oversight by the Intelligence Committee. It would require a finding by the President that would be sent to the Intelligence Committee.

Let me go a little further, and I will come back to that.

With respect to the assistance to the Contras, I would say this amendment is absolutely clear that whether they used the contingency reserve funds or not, the CIA could not provide humanitarian beyond the scope of this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. I yield an additional 5 minutes.

Mr. NUNN. It is also my feeling, my strong feeling, that if the CIA wished to provide any further assistance to the Contras, the President would have to come back to the Senate under the provisions of this amendment and request the assistance, and we would have to approve it in the pertinent committees and also on the floor.

Now, regarding the unilateral action by the CIA which is not in support of the Contras directly or indirectly—which is the Senator's question. I think it is a very legitimate question.

Let me read the Boland amendment to the Senator, because his question presumes that the Boland amendment precludes that kind of assistance. I think that is the understanding of a lot of people.

I think the question of whether the Boland amendment precludes that kind of activity by the CIA is a much more difficult question.

Reading the Boland amendment, it says, "No funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended"—I want the Senator to listen carefully to these words—"for the purpose or which would have the effect"—and now the key word in

my opinion legally—"of supporting—directly or indirectly, any military or paramilitary" operations in Nicaragua and so on.

Mr. President, it is my view that if the word "supporting" is interpreted broadly, then we could perhaps strain the Boland amendment and say that CIA activity totally unrelated to the Contras but which was adverse to the Nicaraguan Government would be precluded. I do not read the Boland amendment that way, though. I read the Boland amendment as being more narrow than that. I do not believe the present Boland amendment precludes independent CIA activity that is not supporting the Contras.

So, if you read the Boland amendment narrowly, as I do, then there is no diminution of that amendment in our amendment. If, on the other hand, you read the Boland amendment broadly and believe that the present Boland amendment precludes independent CIA activity that has nothing whatsoever to do with supporting the Contras, then our amendment would change the Boland amendment. It would be my intent to change the Boland amendment if it is broad.

Let me give an example. For instance, let us suppose tomorrow morning, before we pass anything, our intelligence community comes in and informs the President of the United States that there is a terrorist training base in Nicaragua and those terrorists are funneling all over Central America. They are coming to the United States, they are carrying out bombings, they are carrying out assassinations, and it has nothing whatsoever to do with the Contra movement, and the CIA or the Defense Department recommends that we take some type of action against that base. If you read the Boland amendment broadly, then it would preclude that action unless the President came to Congress and we had a debate and unless the House and the Senate repealed the Boland amendment.

I do not believe that is what the Boland amendment intended. But if it is what it intended, I think it ought to be repealed. If it is not what it intended, then we do not change the intent of the Boland amendment.

Mr. HARKIN. Mr. President, I think what the Boland amendment is seeking to do is stop activities like the mining of harbors. Again, this is an independent activity, undertaken basically without the consent of Congress, by the Central Intelligence Agency. Under the Senator's amendment, would the CIA be able to do that kind of activity?

Mr. NUNN. The answer is no, because I would interpret the mining of harbors as in direct support of the Contras.

Mr. HARKIN. But it was not done in support of the Contras; that is the point. My position is that it lifts the restrictions of the Boland amendment. However, I might be opposed to the

Senator's amendment here, I am greatly opposed to it if, in fact, we do not have two things—one, the Boland amendment which again, aside from the Contras itself, would restrict the kind of activities that the Boland amendment sought to restrict. I think most people here and on the other side of the Capitol have interpreted it very broadly—I ask for 2 or 3 more minutes. I am sorry to take so much time.

Mr. PELL. Mr. President, I yield 2 more minutes to the Senator.

Mr. HARKIN. I thank the Senator.

Mr. President, I have one more question.

Mr. NUNN. Would the Senator interpret the Boland amendment as precluding a CIA or a Pentagon move against the terrorist training camp in Nicaragua?

Mr. HARKIN. That was exporting the terrorism outside the borders of Nicaragua?

Mr. NUNN. Yes.

Mr. HARKIN. No, Mr. President.

Mr. NUNN. Then the Senator does not have to be concerned about this.

Mr. HARKIN. Mr. President, I am concerned because obviously, that is a very narrow interpretation, but I keep saying again in terms of the CIA, what we have learned over the past few years is that what is not prohibited is authorized and if we do not prohibit them from doing certain things, they will go off on their own and do mining, for instance. If there is a terrorist camp there, they have recourse. They can come to the Intelligence Committees and ask for authorization.

Mr. NUNN. They cannot if the Boland amendment is interpreted broadly. The Intelligence Committee cannot do or approve anything contravening the law of the country.

Mr. HARKIN. The Boland amendment speaks only to the purpose of overthrowing the Government. If you were to go in and take out a terrorist camp that was exporting terrorism outside of Nicaragua, that would not have the purpose of overthrowing the Government of Nicaragua. Mining the harbors would.

Mr. NUNN. Nothing in the Boland amendment ever mentioned overthrowing the Government.

I know I have taken the Senator's time, Mr. President.

Mr. HARKIN. Mr. President, I have one other question. Leaving aside this question of what the term "humanitarian" assistance encompasses, the amendment would authorize funds and then prohibit further materiel assistance but not preclude the sharing of intelligence information. My question again concerns what is not included in a prohibition against further materiel assistance and what role would be created for the CIA in addition to the sharing of intelligence information. It is my understanding that if humanitarian assistance were to be approved and the Boland amendment

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7639

were in effect, the Contras could receive the funds but the CIA would not be back in the business of running the Contra war. Without the Boland amendment, the Senator's amendment would allow the CIA to resume its role in advising and training the Contras for combat operations and would put us back in the business of managing this war.

Again, I ask, Is this the Senator's intention?

Mr. PELL. I yield time so the Senator from Georgia may reply.

Mr. NUNN. Mr. President, I say to the Senator that is not this Senator's intention. I think the amendment is clear. As I interpret the amendment, and I think it is clear on that, humanitarian assistance would not include training the Contras for military activity.

The Senator has used the word "advising." He say "advising and training."

Mr. HARKIN. Advising, training.

Mr. NUNN. I would think the amendment presumes somebody in our Government is going to advise the Contras of certain things. Hopefully, they will advise them to negotiate bilaterally with the Sandinistas. Hopefully, they will advise them to purge their ranks of human rights abusers, but not give military advice.

Mr. HARKIN. Mr. President, not giving military advice or training.

Mr. NUNN. That would not be in keeping with the humanitarian definition of the amendment.

Mr. HARKIN. I thank my friend from Georgia for clearing that up with me.

Mr. JOHNSTON. Mr. President, will the Senator from Indiana yield me 6 minutes?

Mr. LUGAR. Mr. President, I agreed to yield 5 minutes to the Senator from South Carolina first and I shall be happy to yield to the Senator from Louisiana when he has concluded.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I thank the Senator from Indiana.

Mr. THURMOND. Mr. President, I rise in support of the Nunn, Lugar, Boren amendment.

What we are debating here today is not a question of right versus left. It concerns freedom: freedom from tyranny and oppression, freedom of religion, freedom of the press, and the freedom of people to determine what form their government shall take rather than have that decision dictated by a handful of despots. The United States has fought numerous times to protect these freedoms, and today we are debating whether or not to support people who want to fight for the same freedoms.

We have boiled the argument down to whether or not to give these freedom fighters humanitarian aid, or no aid at all, when we should be providing them with the military assistance that they so badly need. I for one am glad

that Lafayette did not come to America with only humanitarian aid to provide for our Continental Army, or we might still be British subjects.

It is unfortunate that some Members of Congress serve as apologists for a Communist dictatorship that offers to let the Soviets station missiles in their country and which also attempts to subvert neighboring states by force of arms.

Mr. President, the United States stood by as the Sandinistas came to power with their promises of free elections, freedom of religion, and freedom of the press. They have instead formed a dictatorship that makes a mockery of these freedoms. Because of their repressive practices, people have again taken up arms against the government, and now more men are fighting the Sandinista government than ever bore arms against the previous regime.

There are those who would have us believe that the Contras are the creation of the Central Intelligence Agency, and that everything would be fine in Nicaragua if we would halt our support for the Contras. This assertion is totally false; 15,000 people do not risk their lives and the lives of their families fighting a dictatorship just to help out the CIA. The last time I checked, the CIA was not that popular in developing areas of the world. Also, there are no retirement benefits for the Contras, and there is little or no pay; so other than the hope of a better way of life, there is not any reason for these men and women to take the risks that they do.

Mr. President, when we strip away all the arguments, we come to one simple decision. We can support forces who oppose Communist dictatorships, or we can vouchsafe the spread of communism by our inaction. Twenty-four years ago, in his inaugural address, President John F. Kennedy stated:

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.

Mr. President, unfortunately for some, the price has grown too high, the burden too heavy, and the hardship too great for our Nation to support the survival of liberty. For some, the continued enslavement of people is somehow preferable to our becoming involved. Not only this, the failure to provide assistance to the freedom fighters would constitute a threat to our own freedom.

Mr. President, I urge all of my colleagues to support continued assistance to the Nicaraguan freedom fighters.

Mr. JOHNSTON. Mr. President, will the Senator yield to me 6 minutes?

Mr. LUGAR. Yes; I yield 6 minutes to the Senator from Louisiana.

The PRESIDING OFFICER (Mr. GRAMM). The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, when Fidel Castro was in the mountains of Cuba, he called himself an agrarian reformer pursuing democracy and a friend of the United States. It took us a few months after he took over to find out that was not to be.

Mr. President, there are those who, in spite of the evidence, indelible evidence since 1979 of the nature of the Sandinista revolution, would want to tell us that they also are agrarian reformers pursuing the rights of the people, trying to improve the lot of the people.

Mr. President, if there is not enough evidence now, I do not know when there will ever be as to the essential nature of the Sandinista revolution. They are bent upon revolution without borders. They are bent upon exporting that revolution to El Salvador, as they are doing at the very moment. The command and control of the FMLN in El Salvador is at this moment in Nicaragua, and so is the direction of other revolutionary activity which has been stopped, if at all, only by the pressure of the Contras.

Now, Mr. President, lest we think that a poor country of about 4 million people in Central America can do no harm, I would like for the Senate to stop for a moment and consider the harm that Cuba does throughout the world with only a population of 10 million. Even though Cuba is a very poor nation, with a gross domestic product of \$16 billion, at the very bottom of the list in terms of wealth of nations—and in 1950 before the revolution it had the 3d highest per capita income in Latin America, now it is 15th—Mr. President, what that small country is able to do in terms of harm throughout the world is amazing. They have an armed force of 153,000, 250 aircraft, 850 heavy tanks, with defense expenditures of \$1.3 billion.

Even though Canada has two and one-half times the population, they have five times the armed force of Canada. With their militia, they have 12 percent of their population armed and trained and under arms. There are 74,000 Cuban troops in 24 foreign countries. Consider what they do in Angola alone—16 motorized infantry regiments, an artillery regiment, an antiaircraft defense brigade, 500 air force personnel, 500 support troops, and 1,000 advisers. In Angola alone, a total of 31,000 men. They have suffered 6,200 casualties in Angola.

Mr. President, the list of countries where they have troops includes:

Afghanistan, Algeria, Angola, Benin, Cape Verde, Congo-Brazzaville, Ethiopia, Guinea, Guinea-Bissau, Iraq, Lesotho, Libya, Malagasi, Mozambique, Nicaragua, Nigeria, São Tomé/Príncipe, Sierra Leone, Suriname, Syria, Tanzania, Uganda, Yemen, and Zambia.

Mr. President, this is the reality of Cuba today. They continue to grow in terms of arms expenditure and in

S 7640

CONGRESSIONAL RECORD — SENATE

June 6, 1985

terms of exporting revolution around the world.

There was a time when we had an opportunity, Mr. President, to do something about the Cuban infection. Many will say that we should have done something about it in the time of Batista, and I agree. We made serious and terrible mistakes at that time. Those mistakes we cannot recall. There were other times when we had an opportunity to do something about Cuba, and we failed to do it—too little, too late, too ineffectively.

Mr. President, that time in Nicaragua is upon us today. We have an opportunity to do something about Nicaragua, something other than to put our head in the sand, something other than involving American troops. It is to put a sure and steady pressure on the Sandinistas in Nicaragua, using their own people who have formed their own opposition force.

Make no mistake about it, the CIA did not create and did not form the Contra organizations. They are endemic. They are native. They are run by their own people. Indeed, we are not at this time giving aid.

Mr. President, we have an opportunity to strike a middle ground in this amendment, a middle ground between giving arms and sending American troops, on the one hand, and inviting the Nicaraguan-Sandinista revolution to become another Cuba—another Cuba, perhaps smaller in terms of numbers of people but a Cuba connected by a land bridge to Mexico and the United States.

Mr. President, the middle ground as indicated in this amendment is the proper course for this Senate at this time. There may be a time when we will need to take a second step and send the arms themselves, but for now this compromise is the right action.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, several Senators this afternoon have referred to a national consensus in favor of this or that policy. They have referred to this or that poll. They have referred to the state of public opinion on American policy toward the critical problems of Nicaragua and Central America.

It is clear to me, however, that there is no national consensus on what might be the most effective policy. In fact, if anything, the polls underline a deep and enduring confusion about our policies and purposes. So clear is this that I feel confident in saying that we lack the depth of public support to sustain the kind of dramatic shift in our foreign policy that seems to be taking place.

It is also clear to me that a sea-change in our policy toward Nicaragua is taking place. Though the administration's appeal for more funds is couched in terms of "humanitarian" aid, I see no guarantee that these

money would not continue to be used directly to support, or replace other funds to support, military and paramilitary activities by the Contras. There is virtually no way that you could impose such a guarantee.

Originally, the Senate approved funds for the Contras on the grounds that they would be used to block the flow of arms to rebels trying to overthrow the Government of El Salvador—an objective that has in large measure been attained. Now we are coming close to open support for the overthrow of the Government of Nicaragua—a policy that I do not believe shares the support of the American people, nor one that is warranted by the limited diplomatic efforts undertaken to reach a peaceful solution to these problems, nor one that has won the backing of many of our most important allies in the region and the rest of the world. By region, I do not mean just the immediate region of Central America.

Several of the governments in the immediate area generally support the administration's overall efforts, but they also are disturbed by lack of diplomatic progress. But there are many other countries in the broader region of Latin America with whom we should consult more closely as we try to devise a prudent and positive policy.

I have consulted with a wide range of representatives of the leading countries of Latin America. And these inquiries reveal considerable doubt about the shift in American policy in recent weeks and months.

For example, our friends in the Contadora countries, Colombia, Venezuela, Mexico, and Panama, do not appear to favor this kind of aid to the Contras, which they regard as direct intervention in the affairs of Nicaragua. Argentina, Brazil and other vital neighbors of ours, countries destined to become ever more important to us, also remain deeply concerned about the thrust of these policies.

With their domestic political and economic problems, all these countries are likely to be more deeply affected by what may happen in Central America than we are. And yet I see no sign that we have consulted closely with them in devising an effective strategy. I see no sign, furthermore, that we have consulted closely with our European allies on the best course of action.

There are, Mr. President, several attractive provisions of this amendment: the call for a church-mediated dialog between the Government of Nicaragua and the resistance forces; continued support for the Contadora process. I am still confident that a genuine compromise can be worked out. But I do not believe we have reached the point where we should take an irrevocable step that would discourage such initiatives and lead to a widening of hostilities.

For these reasons, I shall vote against the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield 2 minutes to the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I compliment the original cosponsors of this amendment, on the amendment itself and the work they have put into it. I believe I am a cosponsor as well.

I compliment the cosponsors on the special effort they have made in informing themselves in particular with regard to the special problems of Central America and the way in which those problems have changed over the 4 years or so in which we have been deeply involved in those problems and in discussing them on the floor.

I particularly compliment the Members of the minority party on the floor for their efforts.

I urge all Members to support this amendment. It is not great policy. It is mainly implementation of a policy which remains vague.

Mr. President, I have just returned from a 6-day trip to Central America. I went because I am convinced that this is a critical moment in relations with Central America. I wanted to understand the perspective of the leaders of the region on the major issues.

In the course of the trip, I met with a wide variety of people. I talked with our own Embassy staffs. I met with political leaders and shared their hopes for a democratic future. I talked to military leaders. I exchanged ideas with business leaders. I talked to publishers, churchmen, and people working for international organizations in these countries.

In all of these conversations, I found a common theme—an absolute commitment to the development of democracy throughout the region, and a common demonstration of courage to take risks necessary to achieve that goal.

In Guatemala, Chief of State General Mejia has put the reputation of the military on the line in avowing publicly, without reservation, that he will step down from office and remove the Army from the political process—whatever the results of the election in October.

In El Salvador, President Duarte has assumed not only personal risks, but risk to the democratic ideals of his party by taking firm steps in curbing human rights violations, returning the Army to a nonpolitical role in support of, rather than in opposition to, the democratic process and, most significantly, in opening a dialogue with the political and military elements of the insurgency.

In Costa Rica, President Monge has taken dramatic steps to build within the existing security structure of his country the capability to eliminate the threats of subversion of his democracy, and to defend his border against Nicaraguan incursions. Though his country is extremely vulnerable, he

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7641

has supported the democratic opposition to the Sandinistas and welcomes the refugees from that regime.

In Honduras, President Suazo walks a narrow line in maintaining the momentum of his democratic revolution against those who are critical of his role in supporting the FDN and cooperating with the United States and those who do not feel he has gone far enough.

Throughout Central America, the church has had the courage to speak out and act in preservation of social justice and the dignity of man—whether the danger comes from right or left. The church is acting as mediator in El Salvador, and it sustains those in Nicaragua and Costa Rica who publicly condemn the abuses of Sandinistas. As a demonstration of this consistency of principle, church hierarchy from all of Central America will gather in Managua on June 10 to celebrate mass with the new prelate of the Central America church—Cardinal Obando Y. Bravo.

Mr. President, there is a common concern expressed by these political, religious, military and business leaders. It is a concern that there are root causes of instability in the region which are threats to achievement of democracy. One root cause is the economic difficulty each country faces from an ever widening gap between revenues and expenditures—a balance-of-payments crisis that stands in the way of social programs and reestablishment of a healthy business sector which can create jobs and relieve the burden of an over-extended government.

There is instability caused by the insecurity of the governments faced with active attempts at subversion—subversion supported directly from or through Nicaragua.

There is instability caused by the added burden of refugees created by the current political upheaval—refugees who exacerbate the economic problem and increase the threat of subversion. There are now over 100,000 Nicaraguans in Costa Rica—about 10 percent of the population as estimated by the U.N. Refugee Commission. In the last 3 months, 10,000 Nicaraguans have turned up in Guatemala. This is the first time Guatemala has had a refugee influx from Nicaragua.

These are regional problems—problems that cannot be resolved individually by each nation. The leadership of Central America is expectant—hopeful that the United States will join with them in working toward solutions. The United States has already done a great deal. The Jackson plan is a clear signal that the United States recognizes that the region is of vital interest and that we alone have the means which if applied in concert with the Central American countries can tip the balance in favor of democracy.

But the solutions are not regional alone. They depend as well on keeping

alive the hope for democracy in Nicaragua. Mr. President, the money being discussed here today, \$38 million for humanitarian aid to the democratic resistance, is not in and of itself sufficient to tip the balance. It is not directed at balancing the books economically—nor is it sufficient to stop subversion in the region or to restore to Nicaragua the democracy stolen by the military dictatorship which the Sandinistas have imposed in exact duplication of the old Somoza dictatorship.

But our vote is of great significance as a sign of Central America that the U.S. Government, both executive and legislative, recognizes the role our country should play, and are willing to assume that role. The democrats who recognize that the Sandinista government has as its fundamental objective imposition of a dictatorship which is a threat to the hopes for democracy are pursuing those principles throughout Central America at great personal risk. We share that risk in a positive vote on this assistance because we are not sure who the real democrats are and how this funding is really contributing to achieving a democracy with Nicaragua. Though this vote is necessary to show our resolve and commitment, it is not enough. We cannot close the subject with a symbol—a symbol the ultimate effect of which is unknown.

Mr. President, we must move on to the bigger issue of peace and stability in the region and work at the highest levels in conjunction with the democratic nations to forge a common formula—a policy of commitment of American means, American knowledge and resources in support of mutually shared objectives. Only then will we resolve the root cause of trouble within the region.

The narrow issue we face today is short-term humanitarian assistance to people from one country. The stakes are high, but they are high as much for reasons of symbolism as for material progress. We must move beyond debating whether to symbolically fulfill our commitments to democracy, and instead undertake a debate on actually fulfilling those commitments themselves. In other words, the debate today will not end our attention to Central America. It will only set the stage for a larger debate on a larger policy question—whether this country will play a positive role in the region.

We cannot go it alone. We must work with the nations of Central America, and must listen to them and learn from them. As a first step toward bringing about the reconciliation which must precede significant progress on economic and political questions, I think it is time for the President to convene a meeting of the heads of state of all the countries in the region, including Nicaragua. A major conference could bolster the Contadora process. President Duarte has shown us the way, and we should

seek to do on a regional scale what he has undertaken in his own country.

But talk is not enough. The history of Central America is a history of talk and broken promises from the United States. We must demonstrate that our long-term commitment to the region is backed by the public and its Congress. A tangible sign would be immediate consideration and passage of the Jackson plan in a multiyear package. It is time to go beyond debating economically marginal programs, whether they involve humanitarian assistance or other items, and do what we all know must be done.

Beyond these immediate programs, however, we must learn to live with diversity in the region. A commitment to democracy does not mean that every nation must look like ours. So long as a nation's core values involve a commitment to the democratic process, we should welcome it as a friend, not shun it because of some kind of ideological litmus test. Policy disagreements among democracies are ultimately far less important than their adherence to common values.

Finally, we must recognize that it is in Central America itself that the greatest wisdom resides about the future of that region. We can help, but we cannot lead, except by example. We must look to Central American unity and leadership to set the course. This means on one hand that we must ask leaders in the region to say publicly what they say privately. But it means on the other hand that we must give them the confidence to say it, in part by assuring them that we will assist them over the long haul.

Mr. President, as I have said so many times before, the real issue which we too often avoid is Central America and its future—a future which will be shaped by far more than the narrow item we debate today. I strongly believe that we must vote to provide the humanitarian assistance requested. But I also believe that we must break the habit of reducing a vital and complex issue to a simple yes or no vote on a few million dollars aimed at an immediate issue. We must begin to craft a larger policy, and then to debate it. If we fail in this, we will condemn ourselves to years of debates over issues of this kind.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Michigan.

Mr. LEVIN. I thank the Senator from Rhode Island.

Mr. President, I wonder if the Senator from Georgia might help me in my effort to understand this language.

I have been one who has been willing to support the Contras with non-lethal assistance under certain conditions. In the past, I have worked on various forms of resolutions which would provide nonlethal assistance to the Contras and set forth the conditions. I do commend all the people

who have been involved in drafting this amendment for their efforts.

I am troubled, however, by section (i)(1), and I ask the Senator from Georgia about that section. The amendment repeals the Boland language. The Boland language prohibits assistance to the Contras, directly or indirectly, by the CIA, the DOD, or any other agency. So that this amendment wipes out the Boland language.

In its place is section (i)(1), which says that "No other materiel assistance may be provided to the Nicaraguan democratic resistance, directly or indirectly," other than what has already been set forth in this amendment, and that is the humanitarian assistance as defined.

The word "materiel" is a very troubling word to me, because it could mean that nonmateriel military assistance could be provided: for example, support activities; for example, training—which is not materiel but which is directly in support of a military operation.

I did hear the answers of the Senator from Georgia to the questions of Senator HARKIN, and I thought they were helpful; but I am afraid that the language in the amendment is different from the assurances which were given. I wish that the assurances which my friend gave were put forth so clearly in the amendment.

I suppose my question is this: It says "No other materiel assistance." Training of a military operation is nonmateriel assistance. Is it intended that training would be prohibited? If so, is there a way of making that clear in the amendment—that training in military support activities is intended to be prohibited?

Mr. NUNN. I say to the Senator from Michigan that the reason why the word "materiel" was added—and it was added; it was not part of the original amendment—was that if we do not have that word, there is a strong possibility that other legitimate actions by the United States would be precluded that might be considered indirect assistance to the democratic resistance, and thus barred. Let me give the Senator an example.

If we insist in the context of the Contadora negotiation that Sandinistas should talk to the Contras, as I think all of us believe they should, it could be argued if the word "materiel" was not in there, that we were assisting the Contras because one of their objects is to force talks directly with the Sandinistas.

So the word "materiel" was added to prevent that interpretation.

The Senator has raised the other question, the other side of the coin. Every word you add is a coin that has two sides. I think the Senator has a legitimate question. The Senator's question is, Does that word "materiel" mean only substance, something tangible, or would it include things like military assistance?

My view of it is that as the author of the amendment, and I think the Senator from Indiana ought to listen to this, too, I would like for him to respond. My view is that materiel assistance would include any kind of military training, even though that would not necessarily be tangible. I consider that military training is tangible in the sense that this amendment has been offered. I think that if this passes we need to find a better word in conference to make it clearer that we are allowing certain types of activities on behalf of the Contras, political speeches, that kind of thing, petitions to OAS, petitions to the Contadora process, to include them in the talks with Sandinistas, but we are not by that word in any way implying that we intend to have military training or other intangible things. I would like the Senator from Indiana to respond.

Mr. LUGAR. That is my understanding.

Mr. LEVIN. Could I ask about military support activities, for instance, driving the boat for which Contras leave to set mines?

Mr. NUNN. I believe that would be violative of the amendment. It is not humanitarian. It is support of military activities. I think it would be precluded under the amendment. Would the Senator from Indiana answer?

Mr. LUGAR. I concur.

Mr. LEVIN. I am glad to get these interpretations and I think they are important.

Mr. NUNN. But I would not want to have the words "military support" written in because then you have to ask what the definition is and the Senator asks with an example. If you include "military support" as food and clothing which is in the nature of military support under some interpretations then clearly we permit that.

The PRESIDING OFFICER. The time yielded to the Senator from Michigan has expired.

Mr. LEVIN. If there is an additional time I wish 1 minute.

Mr. PELL. I yield 1 additional minute.

The PRESIDING OFFICER. The Senator from Michigan may proceed.

Mr. LEVIN. I thank the Chair.

I think it would be extremely useful if this amendment passes, which I expect it would, that this interpretation which is critical if we are going to eliminate the Boland language be taken to conference. I frankly do not know how I am going to vote on this amendment in light of the interpretation of the sponsor.

The words "materiel assistance" to me means what it says; which is provision of materials. Support services are not materials. Training is not materials.

Mr. NUNN. But you know the word "materiel" can be taken in two contexts. The Senator I think is using the narrow definition of materiel, meaning substance or meaning something tangible. Materiel can also mean some-

thing of significance, important, and I would interpret the word "materiel" here in a broader context, not in the narrow context.

Mr. LEVIN. I thank my friend.

Mr. NUNN. I assure the Senator that word will be looked at carefully if this amendment passes. I am not going to be in conference but I know the Senator from Indiana will give his pledge on that.

Mr. LEVIN. I thank you both Senators very much.

Mr. LUGAR. Mr. President, I yield 1 minute to the Senator from California.

Mr. WILSON. Mr. President, I rise only to say that I will support this measure and would ask that I be added as a cosponsor.

Mr. President, I will be offering another amendment later on. I do not find what I will be offering in any way incompatible with the present amendment. In fact, whether it is in it or not they will achieve some of the same purposes.

Mr. President, I urge support and passage of the amendment.

The PRESIDING OFFICER. Without objection, the Senator is added as a cosponsor.

Who yields time?

Mr. LUGAR. Mr. President, I yield 1 minute to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, the key problem facing us in our policy toward Nicaragua is how we can help produce a political solution for the present confrontation between Nicaraguans and between the Government of Nicaragua and the United States.

I do not believe that this confrontation can be resolved by military means—whether by the actions of the Contras or by direct intervention of the United States.

Neither do I believe that we can simply turn our back and hope it all works out for the best. Clearly, the Government of Nicaragua has goals and policies that have produced both internal turmoil and external tensions with their neighbors. Left free to act as they wish, the Sandinistas very probably would sharply increase this turmoil and tension—with very serious consequences for Nicaragua and for us.

Given all of that, it is essential that we remain involved in seeking a settlement for this problem. The present amendment offers one course for us to follow, and I support it.

However, I would like our policy and our intentions to be clear to everyone—most of all to the Sandinistas and the Contras.

For our policy to have any hope of success, I believe it is essential for the Sandinistas to be confronted not merely with a military resistance but with an effective political alternative for the people of Nicaragua. My concern is how the present amendment

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7643

would bring us closer to that possibility.

To be effective, any opposition force must have a claim to legitimacy in the eyes of Nicaraguans. It must not be seen as a throwback to the days of Somoza or as a puppet of American policy.

This point was made very effectively by the Senator from Delaware during debate on the previous amendment. The point is less clear in the present amendment.

This amendment calls for but does not require the Contras to remove from their ranks those who have engaged in human rights abuses. I hope that the intent of the sponsors is that such action must be carried out by the Contras and that a failure to move effectively would jeopardize any existing or future funding.

Second, Mr. President, I hope that the political leaders of the Nicaraguan opposition will have a role or voice in the distribution of the assistance we provide rather than leaving the distribution solely to military leaders.

AID TO THE RESISTANCE FORCES IN NICARAGUA

Mr. SIMPSON. Mr. President, I rise in full support of the amendment by my distinguished colleagues, Senators NUNN, LUGAR, BOREN, BENTSEN, CHILES, JOHNSTON, and KASSEBAUM. I am wholly supportive of the fine bipartisan manner in which this proposal has been drafted. This issue is much too important to be reduced to partisan infighting and pettiness.

This amendment will accomplish a number of important objectives. First, by resuming aid to the Nicaraguan democratic resistance, we continue our support for those individuals who are pressing the Sandinistas to live up to the revolutionary promises they made when they overthrew Somoza and his excesses. We cannot allow the Sandinistas to conveniently forget their basic pledges to promote political pluralism, civil liberties, human rights, and a nonaligned foreign policy.

Second, by designating the aid to be used only for food, medicine, clothing, and other assistance for the survival and well-being of the opposition forces, we encourage steps that are taken for a peaceful settlement of the conflict.

Third, this amendment encourages a change in the behavior of the Sandinistas. We offer to suspend the economic sanctions imposed upon Nicaragua and to suspend U.S. military maneuvers in Honduras and off the coast of Nicaragua if the Sandinistas agree to a cease fire, to open negotiations with the opposition forces, and to suspend the state of emergency in Nicaragua. By that offer we can attempt to press the Sandinistas into a resolution of the destructive conflict.

Fourth, by resuming bilateral negotiations with the Sandinistas we can encourage church-mediated dialog between the Sandinistas and the democratic resistance and we can work toward a comprehensive and verifiable

agreement among the nations of Central America based upon the Contadora objectives.

The United States must continue to pursue those four main objectives—objectives which have not changed a whit during the massive disinformation campaigns of the past several years. They are:

First, to end Nicaraguan support for guerrilla groups in neighboring countries and retract their stated goal of a "revolution without borders";

Second, to sever Nicaraguan military and security ties to Cuba and the Soviet Union;

Third, to reduce Nicaragua's military forces to levels that would restore military equilibrium to the region; and

Fourth, to fulfill the original Sandinista promises to support democratic pluralism and respect for human and civil rights.

I believe that this amendment will assist in setting us on the path toward achieving these objectives. The United States is in a unique position in the free Western World—by virtue of our continuing efforts to bring peace throughout the international community, and our geographic proximity to the region—to play a key role in attempting to restore stability throughout Central America.

Our own tradition of democracy imposes upon us a duty to do all that we are able in order to break the endless cycle of poverty, political instability, and revolution, and to attempt to restore some measure of economic health and real political freedom.

We cannot simply ignore the situation and hope that it will improve without our help—even if we could assume that Cuba and the Soviet Union would take a similar "hands-off" posture. We must decide not whether—but how best—to exercise most responsibly and fairly the duty that our position and stature in the world has thrust upon us.

I would urge my colleagues to support this amendment. I believe it is a balanced compromise which allows us to pursue peaceful negotiations with the Sandinistan government while, at the same moment, it allows us to lend our tangible support to those who fight for freedom, democracy, civil liberties, and a lasting peace.

Mr. CHILES. Mr. President, I rise to support the amendment of the Senator from Georgia. At this point, there are few more critical tasks for American foreign policy than creating a more secure Central America and defusing the explosive militarization of the region. I believe that this amendment offers a bridge between the uncertain policies of the present and, what I hope will be a more cohesive set of policies in the future.

The Nicaraguan military buildup is seen by its neighbors as the single greatest threat to their stability. The Sandinistas claim they need this military force to combat the Contras. But we know better. The Nicaraguan mili-

tary buildup started before the political opposition to increasing Sandinista dominance became a fighting force.

Unfortunately, this buildup, and the resulting responses by neighboring states, continues a dangerous pattern of escalation and counterescalation. This pattern must be broken. But, I do not believe it can be broken by the United States simply walking away from the Nicaraguan resistance movement.

The complete and continuing withdrawal of U.S. support for the Nicaraguan resistance would not only dramatically weaken our negotiating leverage with Nicaragua, but it would also break faith with our allies and create potentially disastrous problems for neighboring states. I also believe that a U.S. withdrawal can only lead other countries in Central America to question our reliability as an ally.

But even with passage of this amendment, I continue to be concerned that up here on Capitol Hill, and down in the executive branch, attention remains focused on the appropriation of money—whether for the Contras or for our economic and military assistance programs. I have this feeling that the administration believes that when the money is appropriated, the job is done.

Well, the job is not done when the money is appropriated—the job only begins.

There have been, and continue to be, critical problems in implementing our programs in Central America. Over the past year, reports of waste and mismanagement in the Central American aid effort have been called to our attention. But we have taken no action.

We authorize billions of dollars—2 weeks ago we authorized \$5 billion in economic aid to Central America between 1986 and 1989. But we still do not seem to have a handle on the economic situation and needs of the countries in the region. For example, even though all countries in the region face severe debt crises, only one, Costa Rica, has a stabilization program with the international monetary fund. Are we maintaining a balance between the actions we are taking in order to secure military commitments and the tougher steps needed to ensure that the countries in the region undertake the economic reforms which are essential to their future economic stability and growth? I think not.

It is critical that this Nation shift the debate away from: "How much and under what conditions," to: "Are our efforts well coordinated and doing the things we want them to do in the region." If our efforts aren't doing the things we want them to do, then how do we improve them.

What Central America needs is an economic rebirth. Such a rebirth will require economic assistance from the United States, and much, much more. Such a rebirth requires more than

S 7644

CONGRESSIONAL RECORD — SENATE

June 6, 1985

money, more than Contras—it requires imagination, energy, and, most of all, a commitment to excellence. This kind of excellence was seen when this Nation committed itself to helping rebuild Europe from the ashes of World War II.

I do not believe that our efforts in the region are well coordinated. We cannot continue to let our Central American efforts be managed the way they have been over the past 4 years. I believe it is critical that we pull together our Central American programs. We need an organization that can integrate all of our economic and military assistance activities within the region—and bring more Central Americans into the process as well.

We need an organization that can focus all of its attention on Central America—like the Economic Cooperation Administration did for our European Aid Program under the Marshall plan.

I believe this was the true intention of the National Bipartisan Commission on Central America.

I had hoped that the administration would review the management of its Central American Program over the past year. Unfortunately, it chose not to do so.

Delay, however, may serve us well. Last year, my good friend, the chairman of the Budget Committee [Mr. DOMENICI], and I, with help from members and staff from the Kissinger Commission, drafted legislation in this area. But such an effort should not be undertaken unilaterally by the Congress. It should be worked out jointly with the executive, as was the case in the Marshall plan, when the White House, working closely with the Senate, accepted congressional suggestions for a single cohesive management structure to implement the European development effort.

Our proposal called for the development of a new mechanism to implement the Central American effort following the same management principles used for the Marshall plan. And I cannot think of another regional aid program as successful as the Marshall plan. Specifically, this proposal would include:

First, a multiyear authorization, as approved by the Senate in the 1986 Foreign Assistance Act. As I said earlier, the magnitude of the effort required and the importance for the United States to demonstrate its resolve and commitment to aiding the nations of Central America, clearly calls for a multiyear response.

Second, appropriation of \$6 billion in financial and economic aid and guarantees for the period between 1986 and 1989. This would be in keeping with the National Bipartisan Commission's recommendations, but at somewhat reduced levels. I understand that some members of the Commission believe that properly managed, a \$6 billion program—some \$2 billion less than the President's request—would

be adequate to support the region's needs. This is below authorized levels, but I believe this would greatly reduce the likelihood of providing resources in excess of what can be effectively managed or usefully absorbed by the local economies. It would also reflect the need for restraint in Federal spending.

Third, creation of a new organization, in the Executive Office or possibly as an independent office, which would be charged with overseeing and carrying out our Central American Aid Program. This Office would not duplicate existing aid mechanisms. Instead, it would integrate their efforts by providing a central focal point for all government activities in the region. The director of this Office would be a Presidential appointee, subject to confirmation by this body. This individual would be responsible for overseeing the development, justification, and execution of the Central American Aid Program. The Director of this New Central American Development Office would have the clout to effectively manage all our activities in the region and also serve as a much needed spokesperson before Congress on our activities in the region. The confirmation process would allow continued congressional oversight and accountability for the success or failure of the program.

This new organization would be supported by an advisory board made up and chaired by Central Americans and other donor countries. The role of this board would be similar to the role envisioned by the Kissinger Commission: it would advise the Director to our Aid Program and issue public reports. It would not, however, have direct control of U.S. aid dollars.

This Office would not become a permanent fixture. Our proposal calls for the Office to dissolve in 1990. This would help energize the organization and give a clear sense of timeliness to our aid efforts in the region. This again was the formula used so successfully under the Marshall plan.

Now, I've mentioned the Marshall plan several times—and I would like to say that this approach hopefully would repeat the success of the Marshall plan.

Indeed, there are similarities in the two approaches.

The nature of the response, the intensity of commitment and the management mechanism we would propose, all parallel that of the Marshall plan.

Nonetheless, the challenges in Central America are quite different. The Marshall plan was a temporary effort to fill gaps caused by the wartime disruption of an already industrial economy. In Central America, our aid effort will require U.S. support for political and social change as well.

Let me conclude by saying that much work remains to be done. We have authorized and are likely to appropriate over \$1 billion in aid to Cen-

tral America for fiscal year 1986. But unless swift action is taken to improve the management of this program, I fear this money will do little to change the nature of the conflict in the region.

Mr. DOMENICI. Mr. President, I have listened with interest to the remarks of my friend, the distinguished ranking minority member of the Budget Committee. Last year, on October 4, he and I had a similar discussion about the problems of implementing an effective program of economic aid to Central America, and some of the problems discussed at that time remain with us.

Those of us interested in the welfare of our Central American neighbors have had several notable achievements since then. Congress provided increases in economic assistance close to what the National Bipartisan Commission on Central America and President Reagan had requested. The trade credit insurance program has been established, and links established with the Central American Bank for Regional Integration. I am particularly proud that a program to support indigenous energy development in Central America is now mobilized under the direction of Los Alamos National Laboratory.

A few weeks ago the Senate authorized funding for economic assistance to Central America on a multiyear basis. This was a very important recommendation of the bipartisan commission, and I agree with Senator CHILES that this action demonstrates the resolve of the United States as well as its commitment to help the people of Central America.

Despite the progress I have cited, implementation of the Central American program continues to suffer from lack of unified, firm, and clear direction. It is clear that the President and much of Congress support a bold and innovative longer term program of economic and humanitarian assistance to Central America. It is far less clear that most of the civil servants who are charged with carrying out the program share the innovation and boldness of vision that are essential. Too much of the program continues to be poured into the same old molds, and almost every project suffers from an imbalance between caution and the urgency that is needed.

With the help of American tax dollars, the economic decline in most of Central America has been stemmed. That is a genuine achievement. It is less clear that the Central American nations and our aid officials have set in place the economic policies that will result in self-sustaining growth and development. Here too, imagination and leadership is needed to get these economies back on track.

I would encourage senior officials in the executive branch to look behind the rhetoric to find out what is really going on with our economic aid pro-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7645

grams. If they are not satisfied, and there are reasons to believe they won't be, then I would encourage them to consider establishing an office or an individual responsible to the President for overall implementation of our Central American economic assistance program. In consultation with Congress and subject to Senate confirmation, such a structure could help Americans account for our aid, and help Central Americans renew their economic development in an equitable manner.

Mr. HOLLINGS. Mr. President, the Senate has spent a great deal of time debating what to do and how much to spend on Central America. We have talked about all of these great new programs and all the benefits we are going to bring to the people of the region. But, my good friend from Florida is right. All we have done is authorize a great deal of money for more of the same.

It's time to get on with the job of rebuilding Central America. We've talked about the Kissinger Commission; we've made many statements about bringing peace and prosperity to the region; but, I do not believe the current organizations of the executive branch can effectively manage all of our efforts in the region. We need to do more.

It's time to move away from all of the empty sense of the Senate resolutions we are so proud of passing and get on with some real legislation. Senators CHILES and DOMENICI have offered some new ideas in this area and I hope we will have a chance to debate the merits of their proposal before the end of the year.

The current approach of our aid agencies toward developing the economies of our friends in Central America is too slow, too cumbersome, and, I believe, will end in failure. Instead, we need to implement a new kind of aid program, one which will provide capital to the entrepreneurs of the region. It is these entrepreneurs, developing new industries and new markets, that will help revitalize the region's economy. There is a vast market in the United States for goods that could be produced in that region that has remained untapped. If the United States was so willing to aid in developing and in providing the market for the various industries in Southeast Asia over the past three decades, so should we be willing to assist in developing similar capabilities in Central America. I have long felt that success toward righting the various wrongs existing in Central America will only come from an economic revitalization. The current approach won't work but emphasis on the economic order could.

Mr. GLENN. Mr. President, again today we find ourselves debating the proper direction of U.S. policy toward the Sandinista regime in Nicaragua. Again, we will have to decide—despite both moral objections and international obligations, and despite the fact that our commitment of substantial

resources to date has not worked—whether we will continue to support a band of rebels whose intention is to overthrow a government with whom we maintain diplomatic relations.

Polls show that the American people are understandably confused and uncertain about the proper direction of U.S. policy in Central America. But there is one point on which they are not confused: they know that despite what the President may say, the Nicaraguan Contras are not the moral equivalent of our Founding Fathers. The American people know—and we know—that George Washington and Thomas Jefferson did not rape, torture, and terrorize—and I think President Reagan should be mortified by mentioning the Contras and our Founding Fathers in the same breath.

Mr. President, I am no apologist for the Sandinistas. Our differences with them are well known. We oppose their denial of basic rights and democratic freedoms at home and their support for revolution abroad. As we should with totalitarian regimes of both the right and the left, we must maintain pressure for change—for respect for human liberty and for the right of the people to freely choose their government. But the pressure we bring to bear in this instance should stop short of pushing for the military overthrow of a government by rebels whose commitment to human rights and democratic principles is questionable at best. That does not mean, however, that we need not be concerned about the potential threat Nicaragua poses of its neighbors or about the repression of democratic liberties that the Sandinista regime is pursuing at home.

To deal with the external threat, I believe we should be willing to provide Nicaragua's neighbors with appropriate economic and military assistance to enable them to resist revolution and to address the economic deprivation which enhances Marxist revolutionary appeal. In particular we should give our full support to the efforts of the Contadora nations to negotiate a regionwide agreement to protect the peace and stability of the region. In fact, this should be the centerpiece of our policy, not just a sideshow. I submit that the Contadora process offers the best available forum for a negotiated resolution because it is at least partially insulated from the acrimony of the United States-Nicaraguan bilateral relationship.

As for the repression of democratic liberties inside Nicaragua itself, I agree that we should be willing to use both economic and diplomatic leverage to help bring about reforms. But the Reagan administration's total embargo went too far too fast and destroyed whatever leverage we might otherwise have had. Once you impose a total embargo, you have expended all of your ammunition and you have no other economic pressure left to bring to bear. I prefer the use of calibrated sanctions which can be tightened or

eased depending on actions of the Nicaraguan Government.

Last, we should apply in conjunction with our regional friends, strong and constant diplomatic pressure on Nicaragua to end internal repression, to pursue democratic reforms, and to end support for revolution abroad.

By doing these things, I believe we would send a strong and clear message—both to the Sandinistas and to our allies in this hemisphere—that we will do all we must to protect both ourselves and our friends and to promote democratic liberties—and that we will firmly adhere to our own principles in the process. It is my fervent hope that the Sandinistas will respond to the actions I have outlined so that more stringent and far-reaching steps do not become necessary.

Mr. DOLE. Mr. President, I am pleased to cosponsor this amendment, which will provide \$38 million in humanitarian aid during fiscal year 1985 and fiscal year 1986 to the democratic resistance in Nicaragua.

This amendment is a carefully crafted compromise. As others have already noted, it provides a reasonable level of assistance, consistent with the real need for nonlethal aid. It meets the essential needs of the President and is supported by the administration, but it also takes into account the legitimate concerns expressed on both sides of the aisle about aspects of our involvement in Central America.

The amendment puts our support for the democratic resistance in a clear and compelling policy context. It underscores that we want a negotiated, not a military, solution to the Nicaraguan situation, while recognizing that there is no prospect of serious negotiations unless the Sandinistas have some incentives to negotiate. It maintains the Contras as one important point of leverage on Managua, but it also urges the use of other political and economic measures as part of our overall strategy.

This amendment insures that our support for the democratic resistance forces will be closely and properly monitored, both by the executive branch and by the Congress. It reiterates basic congressional oversight authority and directs that the NSC monitor the use of funds. It mandates frequent Presidential reports to the Congress on the status of any negotiations, the use of provided funds and the efforts undertaken to remove any undesirable personalities from the ranks of the Contras. In sum, it will insure that our activities will continue to be consistent with our goals and policy, as affirmed by the Congress.

At the same time, the amendment restores to the President the policy flexibility he needs to conduct an effective policy. It rescinds some earlier and unwise restrictions on the President's freedom of movement and provides expedited procedures to consider future Presidential requests for action,

S 7646

CONGRESSIONAL RECORD — SENATE

June 6, 1985

should hope for negotiations break down or political and economic sanctions prove ineffective in pursuing our legitimate and limited goals vis-a-vis Nicaragua.

Mr. President, this issue has been with us for many months. The fits and starts of our consideration of this matter have served the interests of no one, except perhaps the Sandinistas and their Communist allies.

The case for continued support to the Contras, meanwhile, has become even more compelling. As we all know, following the earlier, misguided House effort to extend a kind of olive branch to Managua, Commandante Ortega ran off to Moscow, to solidify his alliance with the Soviets and to get new bankrolling for the dangerous activities of his regime. More recently, the Sandinista Army has undertaken new aggression against both Costa Rica and Honduras, despite the conscientious efforts of both those governments to diffuse their border situation with Nicaragua. It is hard to see how there could be much doubt in anyone's mind about the true nature of the Sandinista regime and its real aims in Central America.

It is time to act, clearly and decisively, on this issue. We can do that by voting for this amendment and sustaining strong support for it through the conference process ahead.

(By unanimous consent the names of Mr. STENNIS, Mr. DOMENICI, and Mr. MATTINGLY were added as cosponsors.)

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Vote.

Mr. EVANS. Mr. President, I rise to vote against the amendment before us, as I have voted against all the proposals concerning military operations in Central America offered here today. I do so with reluctance, as many of these amendments contained thoughtful, constructive proposals of considerable merit. Unfortunately, the unanimous-consent order we are under does not allow for further amendment of the proposals. In fact, the amendment before us now, the so-called Lugar-Nunn proposal, requires some very appealing actions on the part of the President. Actions such as: reiterating our support for the Contadora process by implementing the 1983 Contadora Document of Objectives; resuming bilateral discussions with Nicaragua to encourage both a dialogue between the Government of Nicaragua and all elements of the opposition and a comprehensive, verifiable agreement among the nations of Central America based on the Contadora Document of Objectives; pursuing multilateral trade and economic measures to complement the U.S. economic sanctions; and, suspending the sanctions and U.S. military maneuvers in Honduras and off the coast of Nicaragua if the Government of Nicaragua takes certain actions.

These proposals recognize the diplomatic means that exist to help bring

stability to this troubled region. Were we to pursue such positive actions, we would likely find support both within and outside the region for our efforts. Our efforts thus far have brought us little outside support and yet a sustainable policy for this region around which a consensus can be built is precisely what we need.

As wholeheartedly as I support the positive proposals, in this amendment, I cannot support it. The amendment calls for humanitarian aid to be given to the Contras operating in Nicaragua. But what is this humanitarian aid? Its practical effect will be anything but humanitarian—by providing the Contras food, clothing, and other non-lethal items, they will be able to spend more of their other moneys on guns and bullets. To think otherwise is to be less than honest with ourselves.

Therefore, we are faced with the same nagging questions that have followed us for some time: what are our long-term objectives and policies for Central America? This question must be answered before we proceed with the dangerous investment now proposed.

Mr. LUGAR. Mr. President, I would like to note that Senator ORRIN HATCH is giving a commencement address for his daughter's graduating class and that obligation prevents him from being here to vote for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Thank you, Mr. President.

I thank the distinguished Senator from Rhode Island.

Mr. President, as I understand this amendment, subsection (a) of the amendment would appropriate \$24 million for humanitarian assistance to the Nicaraguan democratic resistance.

My question I had is under the amendment, would any funds other than the \$24 million be available for obligations in fiscal year 1986? Or is the \$24 million in effect a cap on expenditure for the activities authorized by the amendment during fiscal year 1986?

Mr. LUGAR. It is a cap on the total amount for that year.

Mr. LEAHY. For 1986.

Mr. LUGAR. For 1986.

Mr. LEAHY. I thank the distinguished chairman.

Subsection (b) of the amendment repeats subsections (a) and (b) of section 8066 of the continuing resolution, the so-called Boland restriction. Subsection (d) of section 8066, which would remain in force, provides during fiscal year 1985 funds approved by the resolution for the purpose of supporting directly or indirectly military or paramilitary operation in Nicaragua should not exceed \$14 million.

If any of the \$14 million is not expended in fiscal year 1985, would that be available for expenditures in 1986 as well? I ask the distinguished chairman.

Mr. LUGAR. Mr. President, I ask my distinguished colleague from Georgia to affirm my interpretation. It appears to me that there are two distinctly separate funds. One is the \$14 million that is being unfenced in 1985. The second is the \$24 million authorization for 1986. But the funds from 1985 would not spill over into 1986. That is at least my interpretation.

Mr. NUNN. The Senator is correct. That is also my interpretation. It is not by reason of a provision in this amendment but by reason of the standard appropriation language which is incorporated every year relating to intelligence activities, which basically says the funds that are not expended do not carry over.

Mr. LEAHY. If any of the \$14 million is not expended in 1985 it does not become available in 1986.

Mr. NUNN. That is my interpretation. I concur with the Senator from Michigan.

Mr. LEAHY. That is the distinguished chairman's interpretation.

I thank the Senator.

The term "humanitarian assistance" is defined in subsection (g) to include the provision of food, clothing, medicine, other humanitarian assistance, and transportation costs associated with the delivery of such assistance. It is defined to exclude weapons, weapons systems, ammunition, or any other equipment or materiel which is designed or has as its purpose to inflict serious bodily injury or death. Obviously there is a gray area here of items that are nonhumanitarian but also nonlethal. That would include military related supplies or equipment which could but are not themselves lethal.

I wonder would the following items be included within the scope of humanitarian assistance. Military-type uniforms?

Mr. NUNN. I say to the Senator from Vermont I prefer not to go down a list here. I think he can go on and on. I understand the Senator's point. I have done some of that with the Senator's concurrence in the Intelligence Committee. We had considerable discussion on this. I think what I like to say is it is our intent to have humanitarian taken literally by the CIA. I think we have defined it as food, medicine, clothing. For instance, military-type uniforms, without binding myself to continue this point by point, I would say if you gave a multiple choice question and said, would the CIA be permitted to provide military-type uniforms or would they be required to give them three-piece suits or tuxedos?

Mr. LEAHY. How about radars?

Mr. NUNN. Or bathing suits or Bermuda shorts, I would say military-type

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7647

uniforms are permitted by this amendment.

Mr. LEAHY. It was a question the distinguished Senator from Georgia asked in another form that gave me the idea for this. I am wondering about things like radar, for example. Would radar be included?

Mr. NUNN. I would say if radar is included to be used in battle management it would not be in keeping with the definition of humanitarian.

On the other hand, if it was set up in a camp outside of Nicaragua for their protection against air raids, I would say that would be a different answer.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. LUGAR. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute and 33 seconds.

Mr. LUGAR. Mr. President, today's edition of the Christian Science Monitor carried a very persuasive article, addressing the threat which international communism presents in Nicaragua. The article was written by Mr. John Lenczowski of the National Security Council staff who is an expert on Soviet affairs. I commend this article to the attention of my colleagues and I ask unanimous consent that the article entitled "International Communism and Nicaragua—An Administration View," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, June 6, 1985]

INTERNATIONAL COMMUNISM AND NICARAGUA—
AN ADMINISTRATION VIEW
(By JOHN LENCZOWSKI)

It is often unpleasant to resurrect what many think are the unpleasant ghosts of the past. Unfortunately, that is what we do when we talk frankly about the forces of "international communism" at work in our hemisphere. It has long been politically the safe thing to do to ridicule any mention of this alleged phenomenon. Professors and pundits have assured us for years that "international communism" as such no longer really exists—which is why it is ridiculed as a "phantom," the object of irrational phobias of extremists, know-nothings, or people living in the past. It has been explained to us that we can no longer clinically and accurately use this loaded expression because of the Sino-Soviet split, the Yugoslav-Soviet split, the Albanian-Soviet split, and other manifestations of polycentrism.

Perhaps communism is no longer a monolithic force subsuming all Marxist-Leninist states under the Soviet banner. Nevertheless, how can one label the presence today in Nicaragua of Cubans, Bulgarians, Libyans, Czechs, North Koreans, East Germans, Vietnamese, Soviets, and communist elements of the Palestine Liberation Organization? If this is not some facsimile of international communism, then we are at a loss at how to explain the common thread that binds these forces together. If we must pay our dues to the gods of polycentrism, then perhaps we might refine our terminology by calling this phenomenon "Soviet international communism," since neither Maoist,

Titoist, or Albanian brands of communism are at work.

Since we so rarely discuss the facts about international communism, here are a few that should be remembered in the context of the debate on Nicaragua:

The people do not want communism. Never in history has a majority of a free electorate democratically chosen a communist form of government. (There is only one exception: the minuscule state of San Marino.)

Communists have always come to power through violent takeovers. These takeovers have always involved the seizure of power by a well-organized and externally assisted minority over an unorganized and unwitting majority. Such takeovers consistently entail the use of a "popular front" of communist and noncommunist elements; the establishment of a communist party that uses an ideological party line to enforce internal conformity and identify and eliminate deviationists; the use of camouflage to disguise the party's true intentions and full political program; the use of propaganda and disinformation to manipulate the international news media; the use of violent and ruthless methods to eliminate all organized opposition; and finally, the use of gradualism in the process of eliminating opposition and applying internal security—so that the people do not realize what is happening to them until it is too late.

No communist regime that has consolidated its power has ever been overthrown and replaced by a noncommunist order. (The only exception is Grenada.) Every other form of government offers people the chance to retain a system of trial and error. It is easy to overthrow a Shah or a Somoza after trial has been granted and error perceived. But once communism is firmly in place, the possibility of trial and error is no more. A vote against aid to the "freedom fighters" is a vote to consign Nicaragua to an indefinite period of no freedom of choice.

The human cost of communism exceeds most Americans' expectations. The number of people murdered by communist regimes is estimated at between 60 million and 150 million, with the higher figure probably more accurate in light of recent scholarship. The greatest tide of refugees in world history flows from communist states to noncommunist ones: Today it comes from Ethiopia, Afghanistan, Indochina, East Europe, and Nicaragua. (During the entire Vietnam war there was nearly a refugee fleeing from Indochina. It was not until communism triumphed that life became so unbearable that people who could withstand decades of war fled to the seas.) Communism invented the concentration camp. Millions have been imprisoned and executed, have worked and starved to death, in these camps. Communist regimes will not permit enterprising Western reporters near these camps, so you don't hear about them on the news. Communist regimes recognize no restraint on their absolute power. From this they establish ideological falsehoods as the standards of right and wrong and the standards by which deviationism is measured; from this stems the systematic denial of all individual human rights. The quality of life always deteriorates under communism: the militarization of society; the destruction of the consumer economy; the rationing of food; the deterioration of housing and insufficient new construction to meet population growth; the destruction of medical care through lack of medicine and medical supplies; the destruction of religion; the destruction and political control of education and culture; the rewriting of history and destruction of monuments to the national her-

itage; and the assault on family life and parental jurisdiction over children.

Soviet-style communism invariably means the export of terrorism, violence, and revolution. Soviet proxy states participate in an efficient division of labor: Cubans as troops, Bulgarians and Vietnamese as arms suppliers, East Germans as secret-police trainers and military advisers. Since Soviet proxies are present on our continent today, it is no accident that the communist Sandinista regime is an active collaborator in this division of labor.

The Sandinistas are communists. Nicaraguan President Daniel Ortega has said: "Marxism-Leninism is the scientific doctrine that guides our revolution . . . [W]ithout Sandinismo we cannot be Marxist-Leninist, and Sandinismo without Marxism-Leninism cannot be revolutionary." The identical pattern of communist takeover, internal policies, and external behavior is repeating itself in Nicaragua. There can be no doubt, given the vast evidence we have accumulated, that Nicaragua is becoming another Cuba.

Communist regimes, including the Nicaraguan regime, spend vast resources on disinformation—to deceive the international news media and foreign political decision-makers. A principal goal is to disseminate false information about the nature of their own system: The principal disinformation theme of all communist regimes is to convince others that they are not really communist. This is done in many ways by the Sandinistas, but most prominently by the "guided tour." Countless American visitors are taken on this guided tour and see nice things and talk to "average citizens" who tell them what the regime wants them to. Nobody wants to believe that he has been fooled. But if Congress is to believe the testimony of constituents and reporters who base their information on the "guide tour," Congress may as well believe everything it is told on identical guided tours in Moscow, Havana, East Germany and North Korea.

Congress must decide whether it will resist international communism on our continent or let it prosper. Isolationists in Congress may base their opposition to the administration on the principle that other countries should be allowed self-determination. Unfortunately, in Nicaragua today there can be no self-determination, because of the reality of "foreign-force determination." The foreign force is the USSR and its proxies, otherwise known as the forces of international communism. Will the Nicaraguans be given enough assistance so that they will be able to determine their future on the basis of a balance of foreign forces, or will Congress permit an imbalance, an imbalance against democracy, against any system of trial and error? If Congress chooses to deny the Nicaraguan friends of democracy a chance for self-determination, it will be voting in favor of the first victory of the Soviet strategic offensive on our own continent.

Mr. LUGAR. Mr. President, I ask for the support of all Senators on this amendment. It is an amendment that has come from the work of Senators on both sides of the aisle in a genuine bipartisan attempt to give a very strong supporting gloss about our foreign policy in Central America.

When President Napoleon Duarte visited our country recently, he made the point again and again that our voice is seen as divided in Central America—divided by party, divided by

S 7648

CONGRESSIONAL RECORD — SENATE

June 6, 1985

House and Senate, divided by Congress and the administration.

I appreciate very much the work of the distinguished Senators from Georgia, Oklahoma, Florida, and so many other Senators on the Democratic side of the aisle. Likewise, I appreciate the work from my majority leader, Senator DOLE, from Senator WILSON, and from the chairman of the Intelligence Committee, Senator DURENBERGER, in particular, who has been so thoughtful in drafting this amendment.

We have forged, a statement for America that is very important. I hope we will have a very strong vote this evening in support of it.

Mr. NUNN. Mr. President, may I say I thank the Senators from Indiana and Minnesota and the majority leader, who cosponsored this amendment. I hope we have a general consensus here.

Mr. LUGAR. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment. All those in favor, say, "aye."

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote yea.

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER] would vote yea.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—55

Abdnor	Ford ✓	McClure
Andrews	Garn	McConnell
Armstrong	Gramm	Murkowski
Bentsen ✓	Grassley	Nickles
Boren ✓	Hatch	Nunn ✓
Boschwitz	Hawkins	Pressler
Byrd ✓	Hecht	Quayle
Chiles ✓	Hefflin	Roth
Cochran	Heinz	Rudman
D'Amato	Helms	Simpson
Danforth	Hollings ✓	Stennis
DeConcini ✓	Humphrey	Stevens
Denton	Johnston ✓	Symms
Dixon ✓	Kassebaum	Thurmond
Dole	Kasten	Trible
Domenici	Laxalt	Warner
Durenberger	Long ✓	Wilson
East	Lugar	
Exon ✓	Mattingly	

NAYS—42

Baucus	Gorton	Mitchell
Biden	Harkin	Moynihan ✓
Bingaman	Hart ✓	Packwood ✓
Bradley ✓	Hatfield ✓	Pell
Bumpers	Inouye ✓	Proxmire
Burdick	Kennedy	Pryor
Chafee ✓	Kerry	Riegle
Cohen ✓	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
Dodd	Levin	Simon
Eagleton	Mathias ✓	Specter
Evans	Matsunaga	Stafford
Glenn	Melcher	Weicker ✓
Gore	Metzenbaum	Zorinsky

NOT VOTING—3

Goldwater	Rockefeller	Wallop
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So the amendment (No. 275) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, let me indicate to my colleagues who are here, and to those who may be listening on their squawkboxes, that we will convene at 8:30 in the morning and be back on the bill at 9 o'clock. There are still five Contra amendments. I will still make the offer that I will withdraw my amendment if the other four will withdraw theirs. That may not sell.

I encourage my colleagues to help us by perhaps shortening the time. Each of the remaining amendments has 60 minutes each. If there is some real need to offer the amendment, maybe we could help on the time side.

The distinguished Senator from Massachusetts [Mr. KERRY] has indicated he is prepared to yield back a sizable portion of his time. I hope that a couple of the amendments would not be offered.

I know a number of my colleagues have official engagements elsewhere tomorrow afternoon and evening. We want to try to accommodate everyone we can. But it seemed to me that we were going to be at least until midnight on the Contra amendments tonight and there are still about 40 other amendments, is that right? About 40 is right. That looked like to much to do in one evening.

Many of those amendments can be accepted, with maybe three or four rollcall votes. We shall try to accommodate those Senators who must depart by 3 o'clock tomorrow. Some may have to leave a bit earlier. So if we come in and show a willingness to help work it out, because we would like to complete action on his bill so we can take up the clean water bill on Monday. And we have a full calendar again next week.

There are only 2 weeks after next week before we are back in recess.

I might add, Mr. President, since I understand there will be a division asked for on the first amendment, the amendment by the distinguished Senator from Iowa [Mr. HARKIN], that votes could occur as early as 9 or 10

a.m. tomorrow. I think Senators should be on notice that it may not be as late as noon.

Mr. DIXON. Mr. President, will the Senator yield?

Mr. DOLE. Mr. President, I yield to the Senator from Illinois.

Mr. DIXON. I wonder if the majority leader would indicate what time he anticipates rollcalls on Monday afternoon?

Mr. DOLE. Very candidly, Mr. President, I think that may depend on how we get along tomorrow afternoon.

Mr. DIXON. Will he indicate tomorrow afternoon?

Mr. DOLE. Mr. President, there will not be votes on Monday until Monday afternoon. If we are back on this on Monday, then votes could occur early Monday afternoon but not in the morning.

REDUCTION OF TIME FOR KERRY AMENDMENT

Mr. DOLE. Mr. President, I understand that the distinguished Senator from Massachusetts [Mr. KERRY] will be willing to reduce his time, the total time, from 1 hour to 40 minutes equally divided. I therefore ask unanimous consent that, when the Kerry amendment is offered, the total time be 40 minutes equally divided. That is 20 for certain for the Senator from Massachusetts.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the majority leader very much.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 8:30 p.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROPOSALS DEALING WITH AMERICAN POLICY TOWARD NICARAGUA

Mr. MOYNIHAN. Mr. President, as the Senate embarks upon yet another debate regarding American policy toward the Sandinista Government of Nicaragua, each offered in the form of an amendment to the pending State Department authorization bill, I think it appropriate to state at the outset that I expect to be recorded in opposition to each of the proposals likely to be brought to a vote today.

While there are elements in each that I could support, and in fact would like to see pursued by the President, it seems to me that none of these amendments, or any combination of these amendments, provides a reasonable or responsible basis on which to formulate and pursue a foreign policy in Central America. For the problem here is not one amenable to solution by legislative action alone. What is

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7649

needed is the leadership of the President.

That 10 detailed proposals for how the United States should conduct itself with respect to Nicaragua have been brought to the floor of the Senate—an exhibition of what has been called the congressional micro-management of foreign policy—is a reflection of the fact that the Reagan administration does not have a policy in Central American that it is willing to avow, and about which it is willing to be explicit. This is something, or so it seems to me, that ought to be remedied prior to legislative action.

Certainly the President has regularly expressed his sentiments about the current leadership of Nicaragua in the harshest terms, with the great force and emotive clarity that is characteristic of his public statements. Only yesterday, according to today's Washington Post, Mr. Reagan referred to Nicaraguan President Daniel Ortega as "the little dictator who went to Moscow in his green fatigues to receive a bear hug..."

Certainly there is widespread concern in this country about the increasingly totalitarian society is being established in Nicaragua by the Sandinistas, with the increasingly evident assistance and guidance of Soviet bloc governments. There is little dispute about this. The independent accounts of journalists, trade union officials, religious leaders—both Nicaraguan and American—attest to this.

Yet we are asked by the President and his advisors to accept the proposition that \$14 million in what is termed "humanitarian assistance" to the insurgents in Nicaragua, the Contras, will make that very regime "turn around and say 'Uncle'."

This is not credible. I think it fair to say that it is not a serious proposal.

It has, at any rate, prompted a number of Senators of quite different experience and political inclination to propose amendments that presume to establish an American policy toward Nicaragua. Each has several sections setting forth an interpretation of recent events, instructing or advising the President in great detail, allowing for a variety of contingencies and options, each defining in a different way what is at issue in Central America and how we would know whether our policy goals have been realized.

Even the summary description of these amendments, provided the Democratic Senators in the usual manner by the staff of our Democratic Policy Committee, runs to several thousand words. Perhaps my meaning, and my concern, will be made clear if I state for the Record at this point that summary.

1. Dodd amendment which states Congressional findings and declares that a direct threat to U.S. security interests in the Central American Legion would arise from several developments including the (1) deployment of nuclear weapons or their delivery systems in the Central American region, (2) establishment of a foreign military base in

the region, and (3) introduction into the region by a Communist country of any advanced offensive weapons system that is more sophisticated than those currently in the region; states Congressional intent to act promptly and in accordance with U.S. constitutional processes and treaty commitments to protect and defend U.S. security interests in the Central American region and to approve the use of military force if necessary, should any of these developments occur;

Extends the Boland language which prohibits the use of funds for military or paramilitary aid to the Contras; provides that the \$14 million authorized in FY 1985 would be available solely for the safe and orderly withdrawal from Nicaragua of all military and paramilitary forces and the relocation of such forces including immediate family members; and

Authorizes an additional \$10 million to assist the Contradora negotiations and to support, through peacekeeping and verification activities, the implementation of any agreement reached—90 minute time limitation.

2. Kennedy amendment expressing the sense of the Congress that the U.S. should resume bilateral negotiations with Nicaragua; and prohibiting the use of funds to introduce U.S. Armed Forces into or over the territory of Nicaragua for combat unless Congress has declared war or enacted specific authorization for the introduction pursuant to the War Powers Resolution or the introduction of U.S. forces is necessary to meet a clear and present danger of possible attack upon the U.S. or its territories and possessions, to protect the U.S. embassy, or provide necessary protection for an evacuation of U.S. personnel or citizens—90 minute time limitation.

3. Hart amendment prohibiting, after enactment, the introduction of U.S. armed forces into the territory, air space, or waters of Costa Rica, El Salvador, Guatemala, Honduras, or Nicaragua for training exercises or any other purposes unless Congress has authorized their presence in advance by enactment of a joint resolution, or their presence is necessary to provide for the immediate evacuation of U.S. citizens or to respond to a clear and present danger of a military attack on the U.S.—90 minute time limitation.

4. Biden amendment which extends the Boland language which prohibits the use of funds for military or paramilitary aid to the Contras;

Unfences the \$14 million authorized in FY 1985 for humanitarian assistance to the Contras if the assistance provided is independently monitored, the U.S. resumes bilateral negotiations with the Government of Nicaragua, and the Government of Nicaragua and the Contras agree to a ceasefire;

Permits provision of the \$14 million for humanitarian assistance if the Government of Nicaragua refuses to enter into a ceasefire or if it violates the ceasefire first; specifies that the \$14 million may be provided only by the State Department in the form of goods and services using previously appropriated funds; expresses the sense of the Congress that the U.S. Should encourage and support the Contadora negotiations; requires the President to submit a report to Congress every 90 days detailing actions taken under this authority;

Terminates the trade embargo if the Government of Nicaragua enters into a ceasefire and negotiations with the Contras;

Expresses the sense of Congress that U.S. military maneuvers in Honduras and off the coast of Nicaragua should be suspended if a ceasefire is agreed to; requires the President to submit any future requests for assistance

to the Contras with a certification that the Contras have effectively eliminated from their ranks all persons who have engaged in human rights violations; and sets forth a procedure for expedited Congressional consideration of future aid requests—60 minute time limitation.

5. Nunn-Lugar-Boren amendment which strikes the Boland language prohibiting military or paramilitary aid to the Contras; provides humanitarian aid to the Contras by unfencing the \$14 million authorized in FY 1985 and authorizing \$24 million for FY 1986; includes the sharing of intelligence information in the definition of humanitarian aid; provides that the aid will be administered by the President and permits the CIA to continue to manage it; and prohibits further assistance to the Contras unless the President certifies that diplomatic and economic measures have failed to solve the conflict in Central America and Congress specifically authorizes the additional assistance—90 minute time limitation.

6. Harkin amendment extending through FY 1986 the Boland language prohibiting the use of funds to provide military or paramilitary aid to the Contras and defining that section to prohibit the provision of human assistance by the CIA or DOD—60 minute time limitation.

7. Kerry amendment to prohibit use of funds authorized under this or any other act to fund directly or indirectly activities against the Government of Nicaragua which would place the U.S. in violation of international law or U.S. obligations under the charters of the Organization of American States or the United Nations—60 minute time limitation.

8. Wilson amendment which states Congressional findings with respect to commitments made by the Sandinista regime since it obtained power in Nicaragua and the Sandinistas' violations of these commitments;

Reaffirms the principles of the Monroe Doctrine as it relates to communist expansion in the Central American region;

States U.S. policy toward Nicaragua as having the following four objectives: (1) an end to Nicaraguan support for guerrilla groups in neighboring countries, (2) severance of Nicaraguan military and security ties to Cuba and the Soviet bloc, (3) reduction of Nicaragua's military strength to levels that would restore military equilibrium to the region, and (4) fulfillment of the original Sandinista promises to support democratic pluralism and respect for human and civil rights.

Expresses the sense of the Congress that (1) dialogue, negotiation, and pressure from world opinion have proved to have virtually no effect in changing the Sandinista regime's behavior and can be no substitute for direct economic and indirect military pressure, (2) the President should consider severing diplomatic relations with the Sandinista government if it does not fulfill its commitments to the OAS and the Contadora countries, and desist from further terrorism and subversion of its neighbors, (3) the U.S. should provide funding for both overt and covert assistance to the Contras to meet their military and non-military needs, and (4) the current statutory restrictions on the use of funds for the Contras should be removed and additional funds authorized for FY 1986;

Terminates the Boland language prohibiting the use of funds for military or paramilitary aid to the Contras contained in Public Laws 98-473 and 618; and

Provides that the \$14 million authorized under P.L. 98-473 may be obligated only for humanitarian assistance to the Contras and authorizes \$28 million in FY 1986 to the

S 7650

CONGRESSIONAL RECORD — SENATE

June 6, 1985

CIA for the purpose of providing assistance to the Contras—60 minute time limitation.

9. Melcher amendment re food aid—60 minute time limitation.

10. Dole amendment—60 minute time limitation.

Senators are surely not to be faulted for offering policy prescriptions in the absence of clear leadership by the Executive. But, constitutionally and commonsensically, it is first and foremost the duty of the executive to formulate and propose foreign policy to the Nation.

The Senate is a body in which the relative merits of a proposed policy can be debated, and measure can be taken of whether it is coherent in its own terms and likely to be successful—and where it can be judged whether the policy in question is supported by a consensus of the American people.

This has not been done in respect of Nicaragua, certainly not since the current 99th Congress was convened, and this is much to be regretted.

It stands in stark contrast to the early days of the Sandinista regime in Nicaragua, when the United States first had to deal with this situation.

By 1980, it had become clear that the Government of El Salvador was besieged by a consortium of insurgent movements, whose headquarters and logistical support base were located in Managua. There was indisputably underway a military assault on the Government of El Salvador by forces in league with the Government of Nicaragua. The United States therefore had both a right and a duty under international law—both customary and as expressed in treaties—to support the Government of El Salvador in resisting that aggression.

Which we did. The President came to Congress, asked for funds to be authorized to be used in a program of to discourage military support going from Nicaragua to overthrow the Government of El Salvador, and Congress authorized it.

I was in this period the vice chairman of the Senate Select Committee on Intelligence, where these matters were then discussed. Along with bipartisan majorities in both Houses of Congress, I supported the provision of this aid to insurgents in Nicaragua, for the purpose of responding to Nicaraguan aggression against its neighbor.

I urged that we do this avowedly and unashamedly. On November 18, 1983, in the necessary absence of Chairman Goldwater, it fell to me as vice chairman of the Intelligence Committee to bring to the floor of the Senate the report of the Conference Committee on the Intelligence Authorization Act for fiscal year 1984. This was the last time that Congress would authorize a bipartisan aid measure for the Contras. In order that the record be complete on this point, I would like to repeat a portion of my remarks of that day.

... [T]he distance between the House and the Senate was not as large as many might

have thought. Both committees understood the Government of Nicaragua to be in violation of international law. This was recognized in an express finding in the Intelligence Authorization bill passed by the House. The finding states:

By providing military support (including arms, training and logistical command and control, and communications facilities) to groups seeking the overthrow of the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated Article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene directly or indirectly, for any reason whatsoever, in the internal or external affairs of another state.

The United States, in upholding these covenants, has a duty to respond to these violations of law. Our response, however, must be both proportional and prudent. . . . Along with my colleagues, I pressed the administration to redefine its covert program to assure that it was in accord with our obligations under international law. . . . Thus the goal with this program is as it should be—to bring the Government of Nicaragua into conformity with accepted norms of international behavior.

The conference report was adopted unanimously.

Neither American nor Salvadoran forces were able to capture weapons known to have been moving from Nicaragua to the insurgents in El Salvador. There were two possible explanations for this. Either the program was not being executed properly—due to the ineptitude of the individuals involved, or some similar infirmity. Or the program was working, and the flow of arms and other material had stopped.

It turns out, according to recent evidence—or what may be evidence—that the latter may in fact have been the case.

The New York Times, on May 21, 1985, published a report from San Salvador about recently captured documents of the Central American Revolutionary Workers Party, a Marxist group that is one of five factions in the rebel military Farabundo Marti Revolutionary Front. These papers, said the Times account,

... indicate that . . . the Sandinistas appeared ready to cut off aid to the Salvadoran rebels at the end of 1983 and may have done so, at least temporarily.

Another set of documents chronicle the tense relations between the rebel high command and Nicaragua's Sandinista leaders after the United States invaded Grenada in October 1983. They show a much higher level of dependence on Nicaragua than the rebels have publicly admitted. But the documents also indicate that the Sandinistas may well have cut off aid to the rebels in 1983.

Despite this success, however, or perhaps because it was insufficiently clear to those involved whether our policy was enjoying any demonstrable success, the administration's support for the Contras in Nicaragua was continued, and indeed expanded.

It became less clear what the real policy was. By early 1984 it had become clear at least that our object

was no longer simply the interdiction of war material to the Salvadoran rebels.

Either the policy had changed, although this has never been explained in a straightforward manner by persons in authority in the administration, or the policy had always been something other than what it was stated to be.

This dilemma persists. It remains unclear what the goals of the President in this respect are.

Wholly apart from the matter of whether certain activities of the CIA or its affiliates in Central America were consonant with American principles and law it has been unclear for an extended period now what the President's policy proposal for Nicaragua is.

On February 21 of this year, at a White House press conference, President Reagan replied to a question about the goal of his policy toward Nicaragua that it is to:

... remove [the Nicaraguan government] in the sense of its present structure, in which it is a Communist totalitarian state. . . .

The President proposed, in effect, the overthrow of the Government of Nicaragua. He proposed the provision of \$14 million in military assistance to the Contras for this purpose. But the case for this policy was not made clear. What were our grounds? Would \$14 million suffice? Suffice to do what? What was the strategy for actually removing the Sandinistas from Managua? How many years was that likely to take? What would be some interim accomplishments that would indicate whether progress was being made? None of these questions were answered, nor have they been since.

When it became clear that Congress would reject that ambiguously constructed policy proposal, by refusing to authorize the funds, the request was modified to exclude military assistance to the Contras, and to provide instead 14 million dollars' worth of humanitarian assistance.

Can it really be the policy of the President of the United States to seek to induce change in the policies or personnel of the Government of Nicaragua by providing \$14 million in humanitarian assistance to the Contras?

Is this a coherent policy?

Much as I would like to support elements in several of the amendments before the Senate today, as I noted at the outset of my remarks, I believe it the duty of the Executive to formulate the policy in a more coherent and integrated manner than is possible when the Senate—and then the House—consider, and adopt or reject, seriatim, bits and pieces of a policy.

I shall vote against all of these amendments, and look forward with hope to a more complete statement of policy and purpose from the President.

In particular, I hope the administration might let us know just what is its

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7651

position on the central recommendation of the Kissinger Commission—that is to say, on the proposal to establish a Central American Development Organization, with the help of Latin American and, it was hoped, European allies. This organization would help all the countries of the region, Nicaragua included, but on condition that each government maintain acceptable standards of human rights and representative government. That surely was a large and thoughtful proposal, and wholly consistent with American traditions and experience. Either Nicaragua joined or it declared itself to the world unwilling to meet the conditions of membership.

Had we pursued this course, would we be quareling among ourselves and isolated from our friends in the world today? It is not too late.

MESSAGES FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 93. Joint resolution to designate the month of May 1985, as "Better Hearing and Speech Month".

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1349. An act to reduce the costs of operating Presidential libraries, and for other purposes;

H.R. 1614. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986.

H.R. 1699. An act to extend title I and part B of title II of the Energy Policy and Conservation Act, and for other purposes;

H.R. 1868. An act to amend the Social Security Act to protect beneficiaries under the health care programs of that Act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that Act;

H.J. Res. 25. Joint resolution to designate the week beginning June 2, 1985, as "National Theatre Week"; and

H.J. Res. 159. Joint resolution commemorating the 75th anniversary of the Boy Scouts of America.

ENROLLED JOINT RESOLUTION SIGNED

At 5:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 93. Joint resolution to designate the month of May 1985 as "Better Hearing and Speech Month."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1349. An act to reduce the costs of operating Presidential libraries, and for other purposes; to the Committee on Governmental Affairs.

H.R. 1614. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1868. An act to amend the Social Security Act to protect beneficiaries under the health care programs of that Act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that Act; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1699. An act to extend title I and part B of title II of the Energy Policy and Conservation Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1250. A communication from a trustee of the St. George Island Trust, transmitting, pursuant to law, a copy of the progress report and a copy of the audited financial statement of the St. George Island Trust as of December 31, 1984; to the Committee on Commerce, Science, and Transportation.

EC-1251. A communication from the Acting Associate Director for Royalty Management, Minerals Research Service, Department of the Interior, transmitting, pursuant to law, notice of the refund of certain excess offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1252. A communication from the Secretary of the American Battle Monuments Commission, transmitting pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-239. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Agriculture, Nutrition, and Forestry.

"RESOLUTION

"Whereas, fluid milk is an essential part of a well-balanced human diet, especially the diet of children, youth, and older persons; and

"Whereas, milk contains valuable quantities of calcium, phosphorus, iron, and other necessary nutrients that are easily digested and very economical; and

"Whereas, the flavor and nutritional content of milk could be substantially enhanced by the establishment of increased minimum levels of milk solids-not-fat in fluid milk sold for direct human consumption; and

"Whereas, increases in the consumption of fluid milk because of improved taste and nutritional value brought about by the addition

tion of milk solids-not-fat will reduce surplus dairy commodities held in government storage, improve the financial condition of family dairy farms, and assure good health for residents who drink more milk; and

"Whereas, the legislature has designated milk as the official state drink and it is appropriate for the legislature to take all actions to assure that milk sold and served in the state is as wholesome, tasty, and healthful as possible; and

"Whereas, minimum required levels of milk solids-not-fat in milk will protect the public from confusion, fraud, and deception while promoting fair and orderly marketing of an essential food; Now, therefore,

"Be it resolved by the Legislature of the State of Minnesota that the United States Department of Agriculture should include in all milk marketing orders issued or amended after January 1, 1986, a pricing mechanism for whole milk that would properly account for the value of solids-not-fat content.

"Be it further resolved that national standards for solids-not-fat be established for all fluid milk marketed to the public. Initially, the standard should require no less than 8.8 percent solids-not-fat with the understanding that in future years the minimum standard would be raised.

"Be it further resolved that the Secretary of State of Minnesota be instructed to transmit copies of this resolution to the President of the United States, the United States Secretary of Agriculture, the President and the Secretary of the United States Senate, the Speaker and the Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-240. A resolution adopted by the Legislature of the State of Michigan; to the Committee on Appropriations.

"SENATE RESOLUTION No. 97

"Whereas, Federal budget cuts proposed by the Reagan Administration would cut U.S. Coast Guard funding, reducing the Coast Guard's strength on the Great Lakes. Such a move would reduce the number of Coast Guard search and rescue stations throughout the region; and

"Whereas, The St. Clair Shores Coast Guard Station and the Harsens Island Coast Guard Station are among those targeted for closure. In communities whose economic well-being is derived in large measure from water-related industries, this action could have a drastic effect. Indeed, the imminent closing of these installations has alarmed boat owners, marina operators, and others who are concerned with boating safety in the area of Lake St. Clair. This is a particularly important issue at the present time because the U.S. Army Corps of Engineers has warned that 1985 lake levels for Lake St. Clair will approach the high levels experienced in 1973. The danger to the health and safety of area boaters presented by this forecast is clear and warrants immediate attention; now, therefore, be it

"Resolved by the Senate, That the members of this legislative body hereby memorialize the Congress and the President of the United States to continue the funding of the U.S. Coast Guard stations in St. Clair Shores and on Harsens Island; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Michigan congressional delegation."

S 7652

CONGRESSIONAL RECORD — SENATE

June 6, 1985

POM-241. A resolution adopted by the Legislature of the State of Florida; to the Committee on Commerce, Science, and Transportation.

"HOUSE MEMORIAL No. 378

"Whereas, the Legislature of the State of Florida took every available step in 1979 to repeal the Cross Florida Barge Canal Project through the adoption of chapter 79-167, Laws of Florida, and

"Whereas, any further legislature or action providing for the deauthorization of the Cross Florida Barge Canal requires action by the Congress of the United States, and

"Whereas, the Legislature of the State of Florida has determined that the Cross Florida Barge Canal Project would have a deleterious effect upon the ecology of the state, would adversely effect the freshwater aquifers of the state, and that the positive benefits of the project would be outweighed by its negative effect on the states' environment, and

"Whereas, the Legislature of the State of Florida has demonstrated its ongoing dedication to the preservation of the environment by passing legislation to preserve its wetlands and legislation aimed at protecting the state's freshwater aquifers, and

"Whereas, it is fitting and appropriate that the Legislature of the State of Florida urge the Congress of the United States to take whatever action is appropriate to provide for the deauthorization of the Cross Florida Barge Canal Project, Now, therefore,

"Be it resolved by the Legislature of the State of Florida: That the Congress of the United States is requested to take whatever action is necessary to provide for the deauthorization of the Cross Florida Canal Project.

"Be it further resolved that copies of this memorial be dispatched to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-242. A resolution adopted by the Senate of the General Assembly of the State of Illinois; to the Committee on Commerce, Science, and Transportation.

"SENATE RESOLUTION No. 201

"Whereas, The sale of Conrail was mandated by federal legislation in 1981; and

"Whereas, the U.S. Department of Transportation solicited and received bids from numerous entities; and

"Whereas, The Department of Transportation accepted the bid of Norfolk Southern in the amount of \$1.2 billion, and has submitted the bid to Congress for approval; and

"Whereas, Conrail and Norfolk Southern are parallel carriers serving the same geographic area, and the resulting company would lessen competition in both the eastern region of the country and the midwest; and

"Whereas, A combined Conrail/Norfolk Southern could harm regional and local rail carriers located in the State of Illinois by diverting traffic from their gateways; and

"Whereas, A combined Conrail/Norfolk Southern could have an adverse impact on Illinois regional and local railroad employees, as well as on the employees of the combined company; and

"Whereas, Conrail's management has recommended a public stock offering for Conrail so that it can remain a separate company; and

"Whereas, It is the sense of this Senate that such a public offering would be preferable to a combined Conrail/Norfolk Southern; therefore, be it

"Resolved, by the Senate of the Eighty-Fourth General Assembly of the State of Illinois, that we strongly urge the United States Congress to disapprove the sale of Conrail to Norfolk Southern; and be it further

"Resolved, That the Illinois Senate respectfully urges the Congress of the United States to study the economic impact on each affected state before approving any disposition of Conrail, and to select some disposition by which Conrail will remain as an independent competitive carrier; and be it further

"Resolved, That we strongly urge each member of the Illinois Congressional Delegation to take all actions available to oppose and prevent the sale of Conrail to Norfolk Southern; and be it further

"Resolved, That a suitable copy of this preamble and resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to each member of the Illinois Congressional Delegation."

POM-243. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION No. 13

"Whereas, The Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617, 92 Stat. 3117) among other things established a comprehensive scheme requiring state regulatory agencies to consider the adoption of certain federal standards to be applied to the public utilities which supply electricity or natural gas for their customers' use; and

"Whereas, The act commands the state regulatory agencies to conduct public hearings and determine whether to adopt the various federal standards; and

"Whereas, Although the hearings are mandatory, a state regulatory agency may determine after such a hearing that it is inappropriate to adopt the federal standards; and

"Whereas, The regulation of the local services of such public utilities is more appropriately reserved as a function of state governments; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That this legislature hereby urges the Congress of the United States to repeal such provisions of the Public Utility Regulatory Policies Act of 1978 and its amendments as seek to impose federal standards upon the local services of the public utilities and add burdensome administrative duties to the state agencies which regulate those utilities; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-244. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION No. 25

"Whereas, Section 12 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. § 1908) requires the Secretaries of the Department of the Interior and the Department of Agriculture, to report by December 31, 1985, to the Congress their evaluation of the grazing fee required by the act and

other options for the adoption of a new schedule of fees beginning in 1986; and

"Whereas, The economy of many of Nevada's rural counties is heavily dependent upon ranching which serves as the stable base of the county's economy; and

"Whereas, Any change in the fees charged for grazing on public lands should be related to the price of the cattle grazed to protect the stability of the livestock business in Nevada; and

"Whereas, After a careful review of the fees charged for grazing on public lands, this state's legislative committee on public lands supports the formula presently used for establishing grazing fee; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the legislature urges the Congress to require and the Secretaries of the Department of the Interior and the Department of Agriculture to recommend the continuation of the current formula for fees; and be it further

"Resolved, That the legislative counsel forthwith transmit copies of this resolution to the Vice President of the United States as President of the Senate, the Speaker of the House of Representatives, each member of the Nevada congressional delegation, the Secretary of the Department of the Interior and the Secretary of the Department of Agriculture; and be it further

"Resolved, That this resolution become effective upon passage and approval."

POM-245. A resolution adopted by the Chester Township Trustees of Chesterland, Ohio relating to the Federal Executive Agency Public Hearings to the Committee on Finance.

POM-246. A resolution adopted by the Senate of the State of Michigan; to the Committee on Environment and Public Works.

"Whereas, The U.S. Army Corps of Engineers has warned in an extended forecast that Lake St. Clair and Lake Erie will experience extremely high levels in 1985 and 1986. This forecast indicates that 1985 lake levels will rise two to three inches above 1984 levels, peaking at approximately six inches below the disastrous 1973 levels in late 1985. Already, high water levels have been experienced, with particular damage being done during March and April of this year; and

"Whereas, Through its Detroit district office, U.S. Army Corps of Engineers specialists have advised officials of the City of St. Clair Shores, Harrison Township, and all communities bordering Lake St. Clair and Lake Erie of potentially dangerous lake conditions, posing a threat not only to area boaters but to the many businesses in these communities whose fortunes are directly tied to lake conditions. Additionally, the potential for disastrous shoreline erosion also exists; and

"Whereas In view of the dire threat posed by these high water levels, to the health and safety of area residents and visitors and to the economy of the many communities bordering Lake St. Clair and Lake Erie, the continued and expanded support of the U.S. Army Corps of Engineers is called for; now, therefore, be it:

"Resolved by the Senate That the members of this legislative body hereby memorialize the Congress of the United States to expand the role of the U.S. Army Corps of Engineers in the City of St. Clair Shores, Harrison Township, throughout the Lake St. Clair region, the Lake Erie region, and all areas affected by the high water damage which occurred on March and April of 1985 until the end of 1986 or until Lake St. Clair

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7653

and Lake Erie water levels return to normal; and be it further

"Resolved, that copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and to the U.S. Army Corps of Engineers."

POM-247. A resolution adopted by the City Council of Sherman, Texas, regarding the imposition of the Fair Labor Standards Act on local government as mandated by the recent Supreme Court decision of *Garcia v. San Antonio Mass Transit Authority* case; to the Committee on Labor and Human Resources.

POM-248. A resolution adopted by the City of Cleburne, Texas regarding the Supreme Court case of *Garcia v. San Antonio Metropolitan Transit Authority*; to the Committee on Labor and Human Resources.

POM-249. A resolution adopted by the Council of the City of Hilo, Hawaii relating to the Soil Conservation Service; to the Committee on Agriculture, Nutrition, and Forestry.

POM-250. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Finance.

"A RESOLUTION URGING THE UNITED STATES INTERNAL REVENUE SERVICE TO REPEAL ITS RULING CONCERNING KEEPING ADEQUATE CONTEMPORANEOUS RECORDS"

"Whereas, the United States Internal Revenue Service has adopted a rule under section 274 (d)(4) of the United States Internal Revenue Code called "adequate contemporaneous records" which calls for greatly increased record keeping and inconvenient and difficult paperwork which will adversely effect many New Hampshire businesses and employees; and

"Whereas, this rule will likely result in greater costs to business and individuals rather than in any increase in revenue to the federal government; and

"Whereas, this rule will reduce benefits to many New Hampshire employees while raising costs to many New Hampshire businesses; and

"Whereas, the adequate contemporaneous records rule seems founded on a presumption of mistrust toward the American taxpayer; and

"Whereas, this action vastly complicates rather than simplifies the present Internal Revenue Code; and

"Whereas, this provision once more adds grossly to the burden of paperwork already suffered by all American taxpayers; now, therefore, be it

"Resolved by the Senate, the House of Representatives concurring:

"That the United States Internal Revenue Service is hereby urged to immediately repeal this ruling; and

"That the United States Congress and the Internal Revenue Service are hereby urged to work in concert for tax simplification across the board so that businesses, employees, and all citizens may have a fuller understanding of the Internal Revenue Code, a greater sense that it treats all taxpayers with equity, and a reduced burden of paperwork that is itself an unwritten tax upon the citizens of this nation; and

"That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Senate Finance committee, the House Budget and Ways and Means committees, and the members of the New Hampshire congressional delegation."

POM-251. A concurrent resolution adopted by the General Assembly of the State of

South Carolina; to the Committee on Finance.

"H. 2568"

"Whereas, sportfishing provides important recreational and economic benefits to the citizens of South Carolina and to the nation; and

"Whereas, the South Carolina Wildlife and Marine Resources Department (department) is the state agency in South Carolina charged with the responsibility of managing, conserving, and developing the state's sportfishery resources and habitat; and

"Whereas, the department also has responsibility regarding boating access and aquatic education; and

"Whereas, the states currently do not have adequate funding for sportfisheries management, research, development, and enhancement activities; and

"Whereas, the recent passage of Public Law 98-369 created the Sportfishing and Boating Enhancement Fund (Fund) for the purpose of providing much-needed revenues to the states for the further development of saltwater and fresh water sportfisheries programs, boating access, and aquatic education programs; and

"Whereas, the Office of Management and Budget has proposed that sixty-six million dollars or ninety-seven percent of the new money to be generated under Public Law 98-369 be "impounded" and utilized for purposes other than those intended by Public Law 98-369; and

"Whereas, the source of funds for the Sportfishing and Boating Enhancement Fund is not from general treasury funds but, rather, from excise taxes on sportfishing equipment, a portion of unrebated motorboat fuel taxes, and custom duties on imported watercraft and fishing tackle; and

"Whereas, virtually all of these newly authorized funds are a result of the user-pay concept and represent a philosophy supported by the federal administration; and

"Whereas, to use these funds for purposes other than those embodied in Public Law 98-369 would be a serious break in faith with the fishing and boating public who are being taxed for the specific purpose of supporting sportfishing programs; and

"Whereas, the action proposed by the Office of Management and Budget is contrary to law and to the intent of Congress in passing Public Law 98-369. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That the members of the General Assembly of the State of South Carolina, by this resolution, strongly urge the President and the Congress of the United States to take every action necessary to ensure that the Sportfishing and Boating Enhancement Fund (Fund) is used solely for the purposes and activities embodied in Public Law 98-369 and that monies from the Fund be made available beginning on October 1, 1985.

"Be it further resolved that a copy of this resolution be forwarded to the President of the United States; to the President of the United States Senate; to the Speaker of the United States House of Representatives; to each member of the South Carolina Congressional Delegation; and to the Director of the Office of Management and Budget in Washington, D.C."

POM-252. A resolution adopted by the Legislature of the State of Florida; to the Committee on Commerce, Science, and Transportation.

"HOUSE MEMORIAL NO. 378"

"Whereas, the Legislature of the State of Florida took every available step in 1979 to repeal the Cross Florida Barge Canal Project through the adoption of chapter 79-167, Laws of Florida, and

"Whereas, any further legislation or action providing for the deauthorization of the Cross Florida Barge Canal requires action by the Congress of the United States, and

"Whereas, the Legislature of the State of Florida has determined that the Cross Florida Barge Canal Project would have a deleterious effect upon the ecology of the state, would adversely effect the freshwater aquifers of the state, and that the positive benefits of the project would be outweighed by its negative effect on the states' environment, and

"Whereas, the Legislature of the State of Florida has demonstrated its ongoing dedication to the preservation of the environment by passing legislation to preserve its wetlands and legislation aimed at protecting the state's freshwater aquifers, and

"Whereas, it is fitting and appropriate that the Legislature of the State of Florida urge the Congress of the United States to take whatever action is appropriate to provide for the deauthorization of the Cross Florida Barge Canal Project, now, therefore,

"Be it resolved by the the Legislature of the State of Florida:

"That the Congress of the United States is requested to take whatever action is necessary to provide for the deauthorization of the Cross Florida Barge Canal Project.

"Be it further resolved that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-253. A resolution adopted by the Council of the City of Tyler, Texas relating to the Fair Labor Standards Act; to the Committee on Labor and Human Resources.

POM-254. A resolution adopted by the Commission on Human Relations of the State of Maryland urging the Government of Maryland and all of its components immediately sever all commercial and cultural relations, both direct and indirect, with the government of South Africa until such time as that government establishes a policy and atmosphere which will allow all of its citizens an opportunity to participate fully in the economic, political, social and cultural structure and institutions in the country; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Con. Res. 47. A concurrent resolution observing the 20th anniversary of the enactment of the Older Americans Act of 1965.

By Mr. EVANS, from the Committee on Foreign Relations, without amendment:

S. 1166. A bill to facilitate the adjudication of certain claims of United States nationals against Iran, to authorize the recovery of costs incurred by the United States in connection with the arbitration of claims of United States nationals against Iran, and for other purposes (Rept. No. 99-78).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

S 7654

CONGRESSIONAL RECORD — SENATE

June 6, 1985

and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for himself, Mr. SIMON, Mr. FORD, Mr. WARNER, and Mr. ROCKEFELLER):

S. 1248. A bill to establish a national coal imports reporting program to provide an information base to permit the Congress to monitor trends in U.S. coal imports and develop national policy to protect the interests of the United States; to the Committee on Finance.

By Mr. HEINZ:

S. 1249. A bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of respiratory care services for ventilator-dependent individuals under medicare and Medicaid; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. BOREN, Mr. SYMMS, Mr. HEFLIN, Mr. GRASSLEY, Mr. BAUCUS, and Mr. MATSUNAGA):

S. 1250. A bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. JOHNSTON):

S. 1251. A bill entitled "The Natural Gas Utilization Act of 1985"; to the Committee on Energy and Natural Resources.

By Mr. GRAMM (for himself, Mr. SYMMS, and Mr. DOMENICI):

S. 1252. A bill to clarify and augment certain provisions of the Motor Carrier Safety Act of 1984 regarding the certificate of registration procedures for foreign carriers; to the Committee on Commerce, Science, and Transportation.

By Mr. DeCONCINI:

S. 1253. A bill to designate the "James A. Walsh United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 1254. A bill to provide for an equitable reduction of liability of contractors with the United States in certain cases, to provide a comprehensive system for indemnification by the United States of its contractors for liability in excess of reasonably available financial protection, and for other purposes; to the Committee on the Judiciary.

By Mr. GORE:

S. 1255. A bill to establish the National Commission on Bioethics; to the Committee on Governmental Affairs.

By Mr. BUMPERS (for himself, Mr. SIMPSON, Mr. PRYOR, Mr. GRASSLEY, and Mr. HELMS):

S. 1256. A bill to amend section 706 of title 5, United States Code, to strengthen the judicial review provisions of the Administrative Procedure Act by giving courts more authority to overturn unfair agency action; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. MITCHELL):

S. 1257. A bill to provide that extended unemployment benefits or Federal supplemental benefits will not be denied to an individual where the individual was not actively engaged in seeking work because he was testifying before Congress or a Federal agency; to the Committee on Finance.

By Mr. GARN:

S. 1258. A bill to modify the restrictions on the use of a certain tract of land in the State of Utah, and to provide for the conveyance of the fence located on such tract to the Army Board, State of Utah; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. EVANS (for himself, Mr. METZENBAUM, Mr. DANFORTH, Mr. EAGLETON, Mr. HEINZ, Mr. WEICKER, Mr. PROXMIER, Mr. DURENBERGER, Mr. COHEN, Mr. INOUE, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. GORTON, Mr. BOSCHWITZ, Mr. PELL, and Mr. BAUCUS):

S. Res. 178. Resolution to urge the Administrator of the National Highway Traffic Safety Administration to retain the current automobile fuel economy standard; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself and Mr. SIMON):

S. 1248. A bill to establish a national coal imports reporting program to provide an information base to permit the Congress to monitor trends in the U.S. coal imports and develop national policy to protect the interests of the United States; to the Committee on Finance.

(The remarks of Mr. BYRD and Mr. SIMON, and the text of the legislation appear earlier in today's RECORD.)

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. BOREN, Mr. SYMMS, Mr. HEFLIN, Mr. GRASSLEY, Mr. BAUCUS, and Mr. MATSUNAGA):

S. 1250. A bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes; to the Committee on Finance.

EXTENSION OF TARGETED JOBS TAX CREDIT

● Mr. HEINZ. Mr. President, I am introducing today, with my distinguished colleague, the chairman of the Senate Budget Committee, the Senator from New Mexico [Mr. DOMENICI], and others, a 5-year extension of the current Targeted Jobs Tax Credit Program, including two amendments which will broaden the current narrow definition of "handicapped individual" and will increase the eligibility period for public welfare recipients. Without immediate congressional action, this program will die at the end of 1985.

The targeted jobs tax credit [TJTC] is a unique jobs program. No expensive Government agency runs it. No excessive redtape lessens its effectiveness. Rather, TJTC offers financial incentives in the form of tax credits to employers who hire people from the targeted group. This legislation is similar to legislation extending the credit which passed the Senate in 1981, 1982, and 1984. I feel strongly that we should not permit an effective and revenue-enhancing program to die.

Targeted jobs tax credit encourages private sector employers to hire TJTC-eligible people by providing tax credits. To be eligible for TJTC, a poten-

tial employee must be certified as a member of one of the following groups:

First, handicapped individuals eligible for vocational rehabilitation services.

Second, economically disadvantaged students—age 18 to 24.

Third, economically disadvantaged Vietnam-era veterans.

Fourth, supplemental security income [SSI] recipients.

Fifth, general assistance—welfare—recipients.

Sixth, economically disadvantaged cooperative education students—age 16 to 19.

Seventh, economically disadvantaged former convicts.

Eighth, aid to families with dependent children [AFDC] recipients and work incentive [WIN] registrants, and

Ninth, economically disadvantaged summer youth employees.

An employer who hires a person certified as a member of one of these groups receives a tax credit equal to one-half of the first \$6,000 of the first year's wages and up to one quarter of the first \$6,000 of the second year's wages. However, with respect to the economically disadvantaged summer youth employees, the credit is equal to 85 percent of the first \$3,000 earned between May 1 and September 15.

No employer is compelled to hire a person from a targeted group. Rather, the tax credit gives employers the incentive to hire the disadvantaged and it gives the disadvantaged something which they might not otherwise have—a fair chance to find meaningful and productive employment.

As more people leave the Federal and State welfare rolls to become productive, tax-paying citizens, the net cost of this program has actually proven to be negative. This remarkable program actually helps people and society without increasing Government spending or increasing the deficit.

Over the last 5 years, we have held numerous hearings and meetings—both here in Washington and in our home States—on the effect of TJTC. I have heard from employees who, because of this program, have been able to find jobs. For some, TJTC has been the only viable way to extricate themselves from unemployment, poverty, and public assistance. I have heard employers, State officials, and local leaders praise TJTC as a program which works.

While the program has been in existence since 1978, it has never been fully utilized. Without this 5-year extension, the program will die an unfair and premature death. The program needs continuity and permanency until we eliminate the problems which TJTC was designed to correct. More businesses need to discover and use this program. A five-year extension will provide the stability necessary to

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7655

allow employers to incorporate TJTC into their long-range plans.

The 5-year extension of the Targeted Jobs Tax Credit Program is a significant opportunity for this country to use a proven and effective method to reduce personal dependency, governmental paternalism, and the budget deficit by giving employers sufficient incentive to hire people off the welfare rolls and allow them to become productive, tax-paying citizens. Without this program, many people will never have a fair chance to prove themselves and make it on their own.

Mr. President, I should like to thank the chairman of the Senate Budget Committee as well as my other original cosponsors for their unqualified support. I believe that when the other Senators have an opportunity to examine our legislation, the merits of the program and the beneficial effects which this program has had in their States, they will again join us as cosponsors and this legislation will be expeditiously enacted. I urge all my fellow Senators to join us in cosponsoring of this legislation, and I hope the 5-year extension of this proven program will be expeditiously enacted.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TARGETED JOBS TAX CREDIT FOR 5 YEARS.

Paragraph (3) of section 51(c) of the Internal Revenue Code of 1954 (defining wages) is amended by striking out "1985" and inserting in lieu thereof "1990".

SEC. 2. MEMBERS OF TARGETED GROUPS.

(a) VOCATIONAL REHABILITATION REFERRAL.—Section 51(d)(2) of the Internal Revenue Code of 1954 (defining vocational rehabilitation referral) is amended by striking out so much of subparagraph (B) as precedes clause (i) and inserting in lieu thereof: "(B) is eligible to receive rehabilitative services pursuant to—".

(b) PERIODS DURING WHICH SSI AND GENERAL ASSISTANCE RECIPIENTS MAY QUALIFY.—

(1) SSI RECIPIENTS.—Section 51(d)(5) of the Internal Revenue Code of 1954 (defining SSI recipients) is amended by striking out "preemployment period" and inserting in lieu thereof "120-day period ending on the hiring date".

(2) GENERAL ASSISTANCE RECIPIENTS.—Section 51(d)(6)(A) of such code (defining general assistance recipients) is amended by striking out "period of not less than 30 days ending within the preemployment period" and inserting in lieu thereof "period of not less than 60 days ending within the 180-day period ending on the hiring date".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals beginning work for an employer after December 31, 1985, in taxable years ending after such date.●

By Mr. DOMENICI (for himself and Mr. JOHNSTON):

S. 1251. A bill entitled the "Natural Gas Utilization Act of 1985; to the

Committee on Energy and Natural Resources.

NATURAL GAS UTILIZATION ACT

● Mr. DOMENICI. Mr. President, today I am introducing a bill to repeal certain restrictions of the Fuel Use Act of 1978 [FUA] and to repeal the incremental pricing requirements of the Natural Gas Policy Act of 1978 [NGPA]. The proposed bill is identical to the amendments in S. 1715, which was reported by the Committee on Energy and Natural Resources on July 29, 1983. I am detaching the Fuel Use Act and incremental pricing from other contentious issues because I believe most of us would agree the long overdue action is needed for providing future energy alternatives and, more importantly, an option of achieving a cleaner environment.

The Fuel Use Act [FUA] was enacted in 1978 to shift electric utility plants and major industrial fuel-burning installations [MFBI] from oil and natural gas to coal. The FUA was largely in response to the Arab oil embargo of 1973 which highlighted the dependence on unstable imported oil sources and the gas supply shortages of the mid-1970's, which were induced by the regulatory scheme then in place. Nearly 25 years of Federal well-head price regulation has kept the price of gas below the market clearing levels, thereby discouraging the exploration for, and production of, this energy source.

While FUA was passed to limit the demand for gas, the Natural Gas Policy Act [NGPA] was passed to stimulate the exploration for and development of new gas sources. The NGPA has provided the framework for a transition to a decontrolled gas market. The supply impetus provided by the NGPA has been both obvious and encouraging. The gas market went from shortages to surpluses. Natural gas reserve additions from 1980 through 1983 equaled 102 percent of gas production, compared to only 48 percent in the 1968-78 period—excluding the 1-year addition of the Prudhoe Bay, AK, discovery.

Many believe that the restrictions imposed on electric utilities and large industrial plants by FUA were ill conceived, and that the success of NGPA in stimulating new gas supplies precludes the need to retain FUA. This opinion was given support in 1981 when a portion of FUA was repealed. As mandated in the original legislation, existing powerplants and MFBI, pre-1977, will not be required to be off gas by 1990. However, new electric utility plants and MFBI's still may not use gas as an energy source. A major fuel burning installation is any industrial boiler, cogenerator, turbine, or internal combustion engines with a fuel input capacity in excess of 100 MMBtu per hour.

With the preclusion of gas the options available for future electricity generation are limited to nuclear, coal, foreign imports, or to postponing con-

struction. Each of these options has problems which may delay its timely development. For instance, nuclear power has been plagued with a history of regulatory, economic, and construction delay problems. The coal-fired electricity generation can be a viable energy alternative; however, due to the environmental requirements on coal combustion and emission control of sulfur dioxide, the cost of coal-fired facilities can equal or out pace nuclear facilities on capital investments. Furthermore, even when equipped with precipitators, scrubbers, and other pollution control systems, coal combustion still produces more pollution than gas combustion. Natural gas combustion produces virtually no sulfur dioxide (SO₂), particulate matters, solid waste, and significantly less nitrogen oxides and water pollution than coal combustion. In fact, natural gas has always been, and will continue to be, the cleanest fossil fuel. The importation of electrical power and industrial products has had negative impacts on domestic employment, gross national product [GNP], and the balance of trade deficit. Electricity imported from Canada is projected to increase from 17,800 gigawatt hours in 1981 to 35,000 gigawatt hours in 1995 and result in the cancellation of five coal-fired powerplants in Northwestern United States—3,519 megawatts. Postponing new construction is not a long term option because regardless of the economic growth rate, new capacity will be needed sooner or later.

Because we are committed to the protection of our environment, we need to recognize that the inherent cleanliness of gas is beneficial to the environment and energy consumers. Select gas use can be a low cost method of environmental compliance without sacrificing our economic growth in energy cost and manufacturing production. The simultaneous combustion of gas and less environmental attractive fuels—for example, high sulfur coal or oil—under the bubble policy can offer us the benefits I mentioned earlier. With the select gas use we can reduce our dependence on imported oil, increase use of our abundant domestic coal and gas resources, maintain our air quality standards, and enhance the employment outlook for Eastern and Midwestern coal miners. For the energy consumers, select use can cut over all fuel costs, reduce our susceptibility to fuel supply disruptions, and increase flexibility in siting new facilities.

The benefits of select use via the bubble policy have been proven already in many operating facilities in Vermont, New Jersey, and Pennsylvania. Even though the success of select use will depend on site-specific variables, such as emission limits, fuel cost differentials, and equipment type, the potential for it is great in many parts of the country. The report, "Evaluation of the Environmental and other

S 7656

CONGRESSIONAL RECORD — SENATE

June 6, 1985

Benefits of the Selected Use of Natural Gas" by the Environmental Research and Technology, Inc., dated November 1983 concludes that select gas use not only reduces sulfur dioxide emissions but also reduces nitrogen oxides emissions and waste ash. From an economics point of view, it is generally less expensive for select gas use than use of scrubbers to achieve pollution reductions.

Sulfur oxide can be controlled by either removing sulfur from the fuel or sulfur oxide from the products of combustion. However, current technologies, such as scrubbers or coal cleaning, generally are capital intensive with high operating and maintenance cost or do not provide the necessary degree of sulfur oxide control.

I understand that there is a new nitrogen oxides control strategy, which utilizes natural gas, called reburning. It involves the reduction of nitrogen oxides in the furnace by downstream injection and burning natural gas. It appears that this technology is capable of reducing nitrogen oxides by 50 to 60 percent beyond the current new source performance standard level. EPA is currently conducting research programs to evaluate the potential of this technique for application to U.S. boilers. The use of natural gas can also generate more reactive and high capture efficiency of sorbent injection technology for enhanced sulfur oxide reduction. Gas has the unique advantage of allowing the simultaneous applications of reburn and sorbent injection technologies in the same boilers. The potential benefits of wider use of gas are both environmental and economic such that we can lower the energy costs and improve air quality.

A report issued by the General Accounting Office on March 23, 1982, entitled, "A Market Approach to Air Pollution Control Could Reduce Compliance Costs Without Jeopardizing Clean Air Goals," suggested that a market approach, rather than command and control regulation, can save industry 90 percent in pollution abatement cost. The cost of saving can be translated to over \$35 billion of capital outlays. Thus, the FUA is impeding a cost-effective technology for reducing air pollutants.

The combined implementation of the Fuel Use Act and incremental pricing requirements maintains economic inefficiencies on the marketplace. As I mentioned earlier, natural gas has been recognized as a superior fuel for utilities and industrial boilers. Throughout the 1960's and early 1970's natural gas was encouraged for such use by pollution control measures. With pricing controls and increased usage of natural gas, the imbalance between supply and demand worsened during the 1970's. Some feared that future supplies might not be adequate for both small—residential/commercial—and large—utility/industrial—users; hence, the incremental pricing theory was intended to shelter

the small users by allocating expensive gas to large users and to promote conservation and coal conversion by large users. Incremental pricing requires that gas rate for certain industrial boilers must be set at rough parity with residual oil, even if gas would otherwise be less expensive. However, the increased costs placed an undue burden on the utilities and on residential and commercial users, who are basically dependent on the utilities for their energy needs. Therefore, incremental pricing not only fails to protect the small consumers, but also distorts the supply and demand of natural gas. Incremental Pricing is also inhibiting the potential displacement of imported oil by domestic natural gas; even though over 95 percent of our natural gas is derived from domestic sources, while roughly 30 percent of our oil is imported.

Some may argue that the supply of gas in the long run would not be as attractive as it seems now, and speculate on how large the excess capability is and how long it will last. Because of this, they would claim the repeal of the Fuel Use Act and incremental pricing provisions is a risky step. The preliminary finding of a 1984 Natural Gas Reserve report issued by the American Gas Association coupled with the Annual Energy Information Administration [EIA] report indicates that total U.S. gas reserves have increased since the end of 1980—that is aggregate reserve additions for the United States have exceeded aggregate production for the 4 years—1981, 1982, 1983, and 1984). Natural gas reserves reported by the 30 largest reserve holders showed that in 1984 reserve additions were about 7,355 Bcf—up 1,202 Bcf from a year earlier. To an even greater extent, major gas transportation companies reported strong increases in their total reserves in 1984. This sample of gas transportation companies accounted for 2,071 Bcf of reserve additions in 1984, as compared to 1,467 Bcf of reserve additions in 1983, and 1,567 Bcf in 1982. Clearly, the market is no longer restricted to the supply available, but it is restricted on the demand side through FUA and this will eventually feed back to the production side of the market.

Natural gas production in the United States in 1984 rebounded from the previous year's level. The top 30 producers increased 3.9 percent to a level of 8,711 Bcf. The statistics also indicate that in 1984 new discoveries represented a higher percentage of the major company reserve additions than a year ago. In 1984, total new gas additions were 90.2 percent of the reserves added by the top 30 reserve holders. In 1983, this percentage was 75 percent. AGA estimates that 1985 domestic unused production capability will be about 2.9 Tcf, up from 2.8 Tcf in 1984. However natural gas production in 1985 will be limited again by the demand of natural gas. It is evident

that the short term gas supply outlook is very good with persisting excess domestic deliverability. The long-term outlook is also positive. We have reason to hope that U.S. natural gas supplies from the lower 48 States can be consistent through the end of the century. But, as in the case of oil, uranium, and coal, gas supplies are not guaranteed. To a large degree, it depends on government policy. Competitive pricing in the free market will only improve supply.

In summary, I strongly believe that increased use of natural gas either alone or in conjunction with other fuels could meet our environmental mandates, benefit the energy consumers, and improve our economic outlook. I am not suggesting that all new powerplants and large industrial boilers should be gas-fired. However, I do believe it is a choice that needs to be made by the plant operators and it cannot be made effectively by legislators. Plant operators need the utmost of flexibility in making their plant energy decision, because such flexibility encourages efficiency and creativity. FUA blocks this flexibility. Therefore I am introducing this bill today to repeal such restrictions and I hope that my colleagues will join me in support of this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) SHORT TITLE.—This Act may be cited as the "Natural Gas Utilization Act of 1985".

(b) TABLE OF CONTENTS.—

TABLE OF CONTENTS

- Sec. 1. Short title; table of contents.
- Sec. 101. Repeal of certain sections of the Powerplant and Industrial Fuel Use Act of 1978.
- Sec. 102. Conforming Amendments.
- Sec. 103. Repeal of Incremental Pricing Requirements.
- Sec. 104. Effective Date.

REPEAL OF CERTAIN SECTIONS OF THE POWER-PLANT AND INDUSTRIAL FUEL USE ACT OF 1978

SEC. 101. (a) The following sections of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) are repealed:

- (1) sections 103 (a)(16), (a)(18), (a)(19), and (a)(29)—(42 U.S.C. 8302 (a)(16), (a)(18), (a)(19), and (a)(29));
- (2) sections 201 and 202 (42 U.S.C. 8311 and 8312);
- (3) section 302 (42 U.S.C. 8342);
- (4) section 401 (42 U.S.C. 8371);
- (5) section 402 (42 U.S.C. 8372); and
- (6) section 405 (42 U.S.C. 8375).

(b) The table of contents of the Powerplant and Industrial Fuel Use Act of 1978 is amended by striking the items relating to the sections repealed by subsection (a) of this section.

CONFORMING AMENDMENTS

SEC. 102. (a) Section 102 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301) is amended by striking "and

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7657

major fuel-burning installations" and "and new" wherever these phrases appear.

(b) Section 103 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8302) is amended—

(1) in subsection (a)(13)(B), by—

(A) striking clause (ii)(III);

(B) striking "; or" at the end of clause (ii), and inserting a period in its place; and

(C) inserting "and" at the end of clause (ii)(I);

(2) in subsection (a)(15), by striking "or major fuel-burning installation" and "or new" wherever these phrases appear;

(3) in subsection (a)(20), by striking "or major fuel-burning installation";

(4) by redesignating subsections (a)(17), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), (a)(25), (a)(26), (a)(27), and (a)(28) as subsections (a)(16), (a)(17), (a)(18), (a)(19), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), and (a)(25);

(5) in subsection (b), by striking "or major fuel-burning installation" wherever this phrase appears;

(6) in subsection (b)(1)(D), by striking everything after "synthetic gas involved" and inserting in its place a period; and

(7) by striking subsection (b)(3), and redesignating subsection (b)(4) as subsection (b)(3).

(c) Section 104 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8303) is amended to read as follows:

"The provisions of the Act shall apply in all the States, Puerto Rico, and the territories and possessions of the United States, except Hawaii and Alaska."

(d) Section 303 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8343) is amended—

(1) by striking "or installation" and "or installations" wherever the phrases appear;

(2) by striking "or 302" wherever the phrase appears;

(3) by striking subsection (a)(3);

(4) by amending subsection (b)(1) to read as follows: "(1) The Secretary may prohibit, by rule, the use of natural gas or petroleum under section 301(b) in existing electric powerplants.";

(5) in subsection (b)(3), by striking "or major fuel-burning installation"; and

(6) by amending the last sentence of subsection (b)(3) to read as follows: "Any such rules shall not apply in the case of any existing electric powerplant with respect to which a comparable prohibition was issued by order."

(e) Section 403 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8373) is amended by striking—

(1) in subsection (a)(1), "major fuel-burning installation, or other unit" and the comma immediately preceding this phrase and "installation, or unit" and the comma immediately preceding this phrase;

(2) in subsection (a)(2), "Installation, or other unit" and the comma immediately preceding that phrase, and "installation, or unit" and the comma immediately preceding that phrase;

(3) in subsection (a)(2), the last sentence; and

(4) subsection (a)(3).

(f) Section 404 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8374) is amended by striking—

(1) in subsection (c), "new or" in the phrase "applicable to any new or existing electric powerplant"; and

(2) subsection (g).

(g) Section 701 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8411) is amended by striking—

(1) in the last sentence of subsection (b), "or installation";

(2) subsection (c);

(3) in the title of subsection (d), "And Exemptions";

(4) in the first sentence of subsection (d)(1), "or any petition for any order granting an exemption (or permit)";

(5) in subsection (d)(1)(B), "or in the consideration of such petition";

(6) in subsection (f), "or a petition for an exemption (or permit) under this Act (other than under section 402 or 404)"; and

(7) subsection (g).

(h) Section 702 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8412) is amended by striking—

(1) in the title of subsection (a), "Or Exemption";

(2) in subsection (a), "or granting an exemption (or permit)";

(3) subsection (b), and redesignating subsection (c) as subsection (b);

(4) in the first sentence of subsection (b)(1) (as redesignated), "or by the denial of a petition for an order granting an exemption (or permit) referred to in subsection (b).";

(5) in the first sentence of subsection (b)(1) (as redesignated), "such rule, order, or denial is published under subsection (a) or (b)" and inserting in its place "such rule, or order is published under subsection (a)";

(6) in the first sentence of subsection (b)(2) (as redesignated), "the rule, order, or denial" and inserting in its place "the rule or order";

(7) in the second sentence of subsection (b)(2) (as redesignated), "(or denial thereof)"; and

(8) in subsection (b)(3) (as redesignated), "any such rule, order, or denial" and inserting in its place "any such rule or order".

(i) Section 711 of the Powerplant and Industrial Fuel Use Act of 1978 (47 U.S.C. 8421) is amended by striking in the first sentence of subsection (a), "or major fuel-burning installation".

(j) Section 721 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8431) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(k) Section 723 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8433) is amended by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c).

(l) Section 731 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8441) is amended by striking—

(1) "or major fuel-burning installation" wherever the phrase appears; and

(2) "title II or" in subsections (a)(1) and (g)(3).

(m) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is amended by striking in the first sentence of subsection (a), "from new and existing electric powerplants and major fuel-burning installations" and inserting in its place "from existing electric powerplants".

(n) Section 761 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8471) is amended by striking—

(1) in subsection (a), "any existing or new electric powerplant or major fuel-burning installation" and inserting in its place "any existing electric powerplant"; and

(2) in subsection (b)—

(A) "new or" in the phrase "In the case of any new or existing facility"; and

(B) "except to the extent provided under section 212(b) or section 312(b)" and the comma immediately preceding that phrase.

REPEAL OF INCREMENTAL PRICING REQUIREMENTS

SEC. 103. (a) Subject to subsections (b) and (c) of this section, title II of the Natural Gas Policy Act of 1978 (15 U.S.C. 3341-3348)

is repealed, and the items relating to title II are stricken from the table of contents of that Act.

(b) A rule promulgated by the Commission under title II of the Natural Gas Policy Act of 1978 shall continue in effect only with respect to the flow-through of costs incurred before the enactment of this section, including any surcharges based on such costs.

(c) The Commission may take appropriate action to implement this section.

EFFECTIVE DATE

SEC. 104 The provisions of this Act shall take effect on date of enactment.

● Mr. JOHNSTON. Mr. President, I am today introducing with Senator DOMENICI a bill to repeal the gas use restrictions in the Fuel Use Act and the incremental pricing provisions under the Natural Gas Policy Act. These two provisions represent the thinking of a bygone era in which the Congress assumed that through regulation and end use restrictions, we could better allocate precious natural resources than could the marketplace. Experience has shown just how wrong we can be.

We all assumed during the gas shortage days of the late seventies that natural gas was a premium fuel which was so quickly disappearing that the remaining quantities should be limited to those uses we considered of the highest priority. Had we more clearly viewed our actual situation, we would have realized that the "shortage" of the seventies was an artificial one, created by Government price controls which stripped the industry of any incentives to explore and drill. For all its faults, the Natural Gas Policy Act of 1978 restored some of those incentives and touched off one of the greatest drilling booms in history. Indeed, for the fourth year in a row we have discovered more gas reserves than we have produced.

At the same time, however, Federal price controls and end use restrictions caused the same natural gas market which had previously been in short supply to become glutted. By repealing the Fuel Use Act and incremental pricing provisions, we will restore to a large and arbitrarily selected group of end users the right to again select natural gas as their fuel of choice. This selection process will be governed by market forces, not statutes and regulations.

Mr. President, there is ample precedent for what we seek to do in this bill. In 1981, we repealed that portion of the Fuel Use Act which prohibited the use of natural gas in utility boilers beyond 1990. That provision will result in an estimated savings of \$1 billion for Louisiana consumers alone. By repealing the remaining gas use restrictions of the Fuel Use Act, we will send a signal to industry and utilities alike that they are no longer prohibited from choosing what may be the lowest cost fuel available to them. Electricity consumers, industry, and our economy will reap the benefits. And, in conjunc-

S 7658

CONGRESSIONAL RECORD — SENATE

June 6, 1985

tion with regulatory changes at the FERC designed to facilitate transportation of gas between producers and end users, we will likely witness a positive supply response.

During the last Congress we considered at length legislation to accomplish not only these ends, but to totally deregulate natural gas prices. We debated this measure for 31 days in the Senate Energy Committee and for 9 days on the Senate floor. The result of those deliberations was the unfortunate but clear indication that no consensus exists or is likely to exist on natural gas price deregulation. The one area where consensus was present, almost to the point of unanimity, was the desirability of repealing the Fuel Use Act and incremental pricing. Since we often must deal with the possible rather than the desirable, Senator DOMENICI and I are today joining together in an effort to achieve those ends. While I regret that this measure falls short of what I consider to be ideal, I do believe it will have a very positive effect on the marketplace. Further, it represents another example of the Government stepping out of the energy business.

Mr. President, it is unwise and unfair for Congress to arbitrarily restrict the consumption of natural gas by a class of end users. The assumptions upon which we did so have proven false, and the result of our doing so has proven counterproductive. Repealing the Fuel Use Act and incremental pricing would be two truly positive steps we could take for the energy and economic future of our Nation. I look forward to working with Senator DOMENICI and other Members of Congress to do so. ●

By Mr. DECONCINI:

S. 1253. A bill to designate the "James A. Walsh United States Courthouse"; to the Committee on Environment and Public Works.

JAMES A. WALSH U.S. COURTHOUSE

Mr. DECONCINI. Mr. President, today I am introducing legislation to designate the U.S. courthouse located at 55 East Broadway in Tucson, AR as the James A. Walsh U.S. Courthouse.

Judge James A. Walsh was born in Westfield, MA, on September 17, 1906. He attended St. Anselm's College in Manchester, NH, and graduated from Georgetown University in 1928 with a degree in law. Judge Walsh was admitted to the Arizona State Bar in 1928, and since that time has continuously served the citizens of Arizona with distinction and honor. His long list of contributions to the State include service as city attorney for the city of Mesa, AZ, 1936-40; assistant U.S. attorney, district of Arizona, 1943; county attorney, Maricopa County, AZ, 1943-44; and judge of the superior court, Maricopa County from 1945-47.

Judge Walsh, named U.S. district judge for the District of Arizona on July 7, 1952, was among the last judicial appointments made by President

Harry S. Truman. Judge Walsh served as chief judge from 1961 until 1973, and took senior judge status on July 9, 1976.

I have known Judge Walsh and his family for many years, and have had the privilege of practicing law before him. His dedication to and application of the law, coupled with his love for and service to the country, provided a model for all young attorneys to emulate. Judge Walsh is recognized as one of the finest judges ever to serve in the Western United States and a building named in his honor is a fitting tribute to his lifetime of achievements, both on the bench and in the community.

Mr. President, my esteemed colleague from Arizona, Congressman MORRIS K. UDALL, is introducing companion legislation in the House today and I hope that the Members of both bodies will support this bill.

By Mr. GRASSLEY:

S. 1254. A bill to provide for an equitable reduction of liability of contractors with the United States in certain cases, to provide a comprehensive system for indemnification by the United States of its contractors for liability in excess of reasonably available financial protection, and for other purposes; to the Committee on the Judiciary.

CONTRACTOR LIABILITY AND INDEMNIFICATION ACT

Mr. GRASSLEY. Mr. President, the legislation that I ask this Chamber to focus on today concerns the current law relating to contribution between the United States and its contractors. I introduced this bill in the last Congress after a great deal of study. I have, in my position as chairman of the Judiciary Subcommittee on Administrative Practice and Procedure, had four hearings on this topic. The bill that I introduce is a response to the concerns that have been raised at those hearings. Last year the bill was favorably reported from my subcommittee to the full Judiciary Committee, but time constraints prevented full committee consideration of the legislation.

Under provisions of the bill which we are examining today, a Government contractor may seek indemnification from the Federal Government for any damages or losses sustained as a result of suits brought solely against the contractor. The legislation also provides that the Government will include an indemnification provision in contracts where the risks are defined as unusually hazardous or nuclear in nature or giving rise to the possibility of liability against which the contractor cannot reasonably protect through private insurance or self-insurance.

As a means of providing some of the background as to the Government fault problem, I cite to you the 1977 Supreme Court case of Stencel Aero Engineering Corporation versus United States. Stencel, a Government

contractor, sought to obtain indemnification from the Government for liability incurred as a result of a personal injury suit brought by a military officer who had been injured when the ejection system of his fighter aircraft malfunctioned. The Government had specified the design of the system, and Stencel contended that the defects in the specifications about which he had complained to the Government to no avail, had caused the injuries to occur. The Court nevertheless held that the subcontractor could not obtain indemnity from the Government for claims made against it by military personnel.

Another problem is the catastrophic losses that might be suffered by the contractor—even if the contractor has followed specifications issued by the Government. These risks are inherent in many essential Government projects such as military activity, medical research, use and disposal of hazardous substances, vaccination programs, satellite and missile launching and reentry, and air traffic control. Liability for supplying these types of services could easily exceed both the available insurance and the net worth of those contractors. This could spell financial disaster for the contractor and the victim unable to obtain compensation.

While there is existing authority under Public Law 85-804 to indemnify contractor, past testimony from the Office of the Under Secretary of Defense, through Mary Ann Gillette, indicated that the use of existing indemnification authority is very unusual. Indemnification is currently provided in less than one one-thousandth of 1 percent of military contract actions—that's 93 out of 12 million in 1982. As a result, I believe we will see more and more conscientious contractors increasingly deterred from participating in essential procurements involving catastrophic risk.

I hope that all of my Senate colleagues will join me in sponsoring this bill.

I ask that the bill as well as the accompanying section-by-section analysis be printed in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Contractor Liability and Indemnification Act".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to establish fair and equitable apportionment of liability incurred by contractors with the United States by (i) providing for an equitable reduction of liability in cases in which acts or omissions of employees of the United States are wholly or partially the cause of a contractor's liability to a Government employee, and (ii) providing a comprehensive system of complete indemnity for contrac-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7659

tors against liability in excess of reasonably available financial protection.

DEFINITIONS

Sec. 3. As used in this Act—

(1) the term "contractor" means any person who has contracted with the United States to supply a product or service and such person's subcontractors and suppliers at any tier for such purpose;

(2) the term "person" means any individual, corporation (excluding a wholly owned corporation of the United States), company, foundation, association, organization, firm, partnership, society, charitable institution, or State or local unit of government;

(3) the term "claimant" means any person who asserts a claim which gives rise or may give rise to liability;

(4) the term "State" includes the District of Columbia and all territories or possessions of the United States;

(5) the terms "United States" and "contracting agency" means the Federal executive agencies and departments, the Federal military departments (including any unit or part of the National Guard of any State), independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States;

(6) the term "liability" means the legally binding obligation to compensate for harm as provided for in final judgments of courts of law, settlements, or arbitration decisions;

(7) the term "harm" means (a) damage to or loss of use of property; (b) personal physical injury, illness, or death; (c) mental anguish or emotional distress resulting from an occurrence of personal physical injury, illness, or death; and/or (d) financial detriment, including loss of revenue or profits or other economic loss; and

(8) the term "fault" means acts or omissions that are in any measure negligent or wrongful with regard to the harm incurred by a claimant.

EQUITABLE REDUCTION OF LIABILITY

Sec. 4. (a) In any civil action brought by an employee of the United States or by the employee's legal representative, estate, spouse, dependent, survivor, or relative in any State court or in any district court of the United States alleging liability of any contractor for harm concerning which the employee or the employee's legal representative, estate, spouse, dependent, survivor, or relative is or has been entitled to receive worker compensation benefits from the United States, upon request of any party the court shall make findings of fact as to the proportion that the fault of the United States bears to the total fault of all persons and the United States in causing harm which gives rise to the claim of liability. The court shall reduce any judgment for liability rendered against the contractor by the proportion of fault of the United States found by the court. The amount the United States is entitled by law to obtain through right of subrogation or subrogation lien arising from worker compensation payments for harm concerning which contractors are or may be held liable shall be reduced by the proportion of fault of the United States in causing the harm.

(b) A contractor against whom a civil action alleging liability is brought shall give written notice to the Attorney General of the United States, within ninety days of the filing of the civil action, if the contractor intends to seek an equitable reduction of liability pursuant to subsection (a) of this section. Except as otherwise directed, the contractor shall promptly furnish to the Attorney General a copy of all pertinent papers received or filed with respect to such civil action. The United States shall have the

right, for a period of ninety days following receipt of any such notice, to intervene as a party in any such civil action. Any such civil action commenced in a State court in which the United States has intervened may be removed, at the election of the United States, along with any related pending action by a claimant, without bond at any time before a trial on the merits, to the district court of the United States for the district and division embracing the place wherein the State court action is pending. Should a United States district court determine, pursuant to an evidentiary hearing on a motion to remand held before the trial on the merits, that there is no substantial evidence of any fault on the part of the United States in causing harm to the employee of the Government, such civil action shall be remanded to the State court.

(c) In determining the proportion of fault of the United States pursuant to subsection (a) of this section, the court shall consider such evidence of fault as may be introduced by the parties in accordance with the rules of evidence and shall consider, among other relevant factors, the following:

(1) the nature of contract provisions or specifications associated with acts or omissions contributing to the harm, the relative responsibility of the United States and the contractor for the existence of such provisions or specifications, and the relative degree of knowledge, skill, and expertise of the contractor and the United States as to potential harm which might be associated with contract performance or nonperformance under such provisions or specifications;

(2) the existence of officially promulgated standards of the United States which are associated with acts or omissions contributing to the harm;

(3) the degree to which products or services furnished by the United States to the contractor under the contract are associated with acts or omissions contributing to the harm, and the relative degree of knowledge, skill, and expertise of the contractor and the United States as to potential harm which might be associated with use of such products and services;

(4) acts or omissions in performance of the contract by employees of the contractor or the United States which contribute to the harm and the relative responsibility of the contractor and the United States for the occurrence of such acts or omissions; and

(5) the degree of control or care exercised by the United States in the use, application, and maintenance of products or services after delivery by the contractor.

(d) The provisions of this section supersede any State law regarding matters covered by this section.

INDEMNIFICATION OF CONTRACTORS

Sec. 5. (a) The United States shall include in any contract hereafter made, and may include by amendment or modification in any contract heretofore made, a provision that the United States will hold harmless and indemnify the contractor against any of the claims or losses set forth in subsection (b), whether resulting from the negligence or wrongful act or omission of the contractor or otherwise, except as provided in subsection (b)(2): *Provided*, That such provision shall apply only to claims for losses arising out of or resulting from risks that the contractor defines as (1) unusually hazardous or nuclear in nature or (2) giving rise to the possibility of liability against which the contractor cannot reasonably protect through private insurance or self-insurance: *And provided further*, That no such provision shall be included in any contract for procurement of goods or services which are sold by the contractor to nongovernmental purchasers

for uses or applications identical in nature, magnitude, and scope to the uses or applications made or to be made of the goods and services by the United States. A determination of whether the conditions contained in the preceding sentence have been met shall be made in advance by the head of the contracting agency or his designee (who shall be an official at a level not below that of an assistant to the head of the contracting agency). A contractual provision for indemnification may require each contractor so indemnified to provide and maintain financial protection of such type and in such amounts as is determined by the head of the contracting agency or his designee to be appropriate under the circumstances. In determining whether conditions for the use of an indemnification provision have been met and in determining the amount of financial protection to be provided and maintained by the indemnified contractor, the appropriate official shall take into account such factors as the availability, cost, and terms of private insurance, self-insurance, other proof of financial responsibility, and worker compensation insurance. The determination of the head of the contracting agency or his designee as to whether conditions for use of a contractual provision for indemnification have been met shall be final for purposes of the judicial review specified in subsection (c).

(b)(1) Subsection (a) of this section shall apply to claims, including reasonable expenses of litigation and settlement, or losses not compensated by insurance or otherwise, of the following types:

(A) claims by third persons, including of the contractor, for death, personal injury, or loss of, damage to, or loss or use of properties;

(B) loss of, damage to, or loss of use of property of the contractor;

(C) loss of, damage to, or loss of use of property of the Government; and

(D) claims arising (i) from indemnification agreements between the contractor and a subcontractor or subcontractors, or (ii) from such arrangements and further indemnification arrangements between subcontractors at any tier, provided that all such arrangements were entered into pursuant to procedures prescribed or approved by the contracting agency.

(2) Indemnification and hold harmless agreements entered into pursuant to this section, whether between the United States and a contractor, or between a contractor and a subcontractor, or between two subcontractors, shall not cover claims or losses caused by the willful misconduct or lack of good faith on the part of any of the contractor's or subcontractor's directors or officers or principal officials. For purposes of this subsection, the term "principal officials" means any of the contractor's managers, superintendents, or other equivalent representatives who have supervision or direction of (A) all or substantially all of the contractor's business, (B) all or substantially all of the contractor's operations at any one plant or separate location in which a contract is being performed, or (C) a separate and complete major industrial operation in connection with the performance of a contract.

(3) The United States may discharge its obligation under the contractual provision authorized by subsection (a) of this section by making payments directly to contractors or subcontractors or to third persons to whom a contractor or subcontractor may be liable.

(c) A contractual provision under subsection (a) of this section which provides for indemnification must also provide for—

(1) notice to the United States of any claim or action against, or any loss by, the contractor or subcontractor covered by such contractual provision; and

(2) control or assistance by the United States, at its election, in the settlement or defense of any such claim or action.

(d) Upon application by a contractor or subcontractor, each contracting agency shall determine, or upon its own initiative, each contracting agency may determine, after opportunity for a hearing (in accordance with section 553 of title 5, United States Code), whether any past, present, or future contract or class or category of contracts involves risks of the type set forth in subsection (a) of this section.

(e) Any contractor or subcontractor aggrieved by any decision or determination of the contracting agency pursuant to subsection (a) or subsection (d) of this section may, within sixty days of such decision or determination, petition the United States Court of Appeals for the Federal Circuit to review such decision or determination. The decision or determination of the contracting agency with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(f) The provisions of sections 1431-1436, title 50, United States Code, shall not apply to indemnification of contractors as provided in this section. The provisions of section 2354, title 10, United States Code, are hereby repealed. Section 241(a)(7), title 42, United States Code, is hereby amended to delete the reference to section 2354, title 10, United States Code. The provisions of this section shall not apply to any risks against which indemnification may be obtained pursuant to section 2210, title 42, United States Code.

(g)(1) Notwithstanding the provisions of section 665, title 31, or section 11, title 41, United States Code, contracting agencies are hereby authorized to make indemnification payments pursuant to any indemnification provisions of their contracts from (A) funds obligated for the performance of the contract from which the contractor's liability arises; (B) funds currently available for contracts of the nature of the contract from which the contractor's liability arises, and not otherwise obligated; (C) funds specifically appropriated for such payments; and/or (D) funds appropriated pursuant to section 724(a), title 31, United States Code.

(2) The Supplemental Appropriations Act, section 724(a), title 31, United States Code, is hereby amended by adding the words "and section 5 of the Contractor Liability and Indemnification Act" after the words "or 2677 of title 28".

EFFECTIVE DATE

Sec. 6. This Act shall be effective as of the date it is signed into law by the President.

SECTION-BY-SECTION ANALYSIS OF S. 1839

PURPOSE

The purpose of this proposed Act is to provide a comprehensive system for indemnification by the United States against liability in excess of reasonably available financial protection and to provide for a reduction in liability in cases in which the negligence of United States employees contributes to that liability.

SECTION-BY-SECTION ANALYSIS

Section 1 states that the Act may be cited as the "Contractor Liability and Indemnification Act."

PURPOSE

Section 2. The stated purpose of the Act is to provide a reduction of liability for government contractors in cases where the acts

or omissions of United States employees have contributed to that liability and to provide a comprehensive system of indemnity for contractors against liability in excess of reasonably available financial protection.

DEFINITIONS

Section 3. This section defines terms used in the Act. Several of the terms are defined in the customary manner. "Contractor" includes state and local units of government as well as the usual forms of organizations excluding wholly-owned by the United States corporations. "Claimant" means any person who asserts a claim now or in the future which may give rise to liability. "State" includes the District of Columbia as well as the territories or possessions of the United States. "Liability" means the legally binding obligation to compensate for harm as provided for in final judgments of courts of law, settlements, or arbitration decisions.

The definitions of other terms are more closely tied to their usage in the Act. For example, the terms "United States" and "contracting agencies" include those corporations acting as instrumentalities or agencies of the United States and state National Guard units, as well as federal executive agencies and departments and federal military departments. The term "harm" includes damages for injury to property or person, and emotional distress resulting from an occurrence of personal injury or default. Thus, damages for wrongful death would be available under the Act. The term "harm" as used in the Act also means financial detriment, including loss of revenue or profits or other economic loss. Ordinarily, damages in common law tort actions such as negligence or strict liability are not available for claims of purely economic loss. See e.g., James, "Limitations on Liability for Economic Loss caused by Negligence: A Pragmatic Appraisal", 25 Vanderbilt Law Review 43 (1972).

The theories of negligence and strict liability were possibly not intended to protect citizens from economic losses unattended by physical injury to persons or property. See also, *Just's Inc. v. Arrington Construction Co.*, 99 Idaho 462 at 470, 583 P. 2d 997, at 1005 (1978): "the common underlying pragmatic consideration is that a contrary rule, which would allow compensation for losses of economic advantage caused by the defendant's negligence, would impose too heavy and unpredictable a burden on the defendant's conduct."

The last term defined by the Act is "fault", which means acts or omissions that are in any measure negligent or wrongful with regard to the harm incurred by a claimant.

EQUITABLE REDUCTION OF LIABILITY

Section 4. Subsection (a) of section 4 permits a court, upon the request of any party, to make a finding of fact regarding the proportion of fault of the United States in regard to a claim of liability against a government contractor where the claimant or the claimant's representative (including estate, dependents, survivors, spouse, or legal representative) has been entitled to receive worker compensation benefits from the United States. This subsection instructs the court to reduce any judgement for liability rendered against the contractor by the proportion of fault of the United States found by the district court. The right of subrogation to which the United States is ordinarily entitled when contractors are found liable shall be limited by the proportion of fault of the United States in causing the harm giving rise to the liability.

Subsection (b) of section 4 directs a defendant contractor to give written notice to the Attorney General of the United States

within 90 days of the filing of the suit against the contractor if equitable reduction pursuant to subsection (a) is sought. The contractor shall furnish the Attorney General copies of all papers pertinent to the civil action filed against the contractor.

The remaining 8 portions of subsection (b) govern intervention and removal by the United States. The Government has the right to intervene in any action for which it receives notice under this subsection. The Government may remove the action in question as well as any related pending action by a claimant to a United States District Court. If the district court, pursuant to an evidentiary hearing on a motion to remand, finds no substantial evidence of any fault on the part of the United States, the civil action shall be remanded to the state court. The hearing on the motion to remand would take place before the trial on the merits. Thus, the liability of the United States, the primary issue governed by this Act, may be determined prior to trial on the merits and decided by a judge. In some instances, the only issue decided by the district court could be that of the Government's liability; the initial claim against the contractor would still be decided by the state court.

Subsection (c) establishes the factors for the court to consider, in accordance with the rules of evidence, in determining the proportion of fault of the United States. These factors include the following:

(1) the nature of contract provisions of specifications associated with whatever incidents gave rise to the alleged harm, the relative responsibility of the United States and the contractor for the existence of such provisions or specifications, and the relative ability of the United States and the contractor to discern possible harm resulting from performance or non-performance under such contract provisions or specifications;

(2) the existence of officially promulgated standards of the United States which are associated with acts or omissions contributing to the harm;

(3) the degree to which products or services supplied by the United States to the contractor contributes to the incidents causing harm, and the relative ability of the United States and the contractor to discern which of such products or services might contribute to potential harm; and

(4) the acts or omissions in performance of the contract by employees of both the United States and the contractor which contribute to the harm and the relative responsibility of the contractor and the United States for the occurrence of such acts or omissions; and

(5) the degree of continuing control or supervision exercised by the United States in the use, application and maintenance of products and services delivered to the contractor. Subsection (d) states that the provisions of section 4 shall supersede any state law regarding matters covered by the section. The authority for this subsection is Article VI of the United States Constitution which states in clause ii that "(t)his Constitution and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land. . . ." This clause, known as the Supremacy Clause, gives Congress the authority to legislate and thereby impose legal obligations beyond what exists on the state level when a particular national interest is served.

INDEMNIFICATION OF CONTRACTORS

Section 5 (a). Section 5, subsection (a) directs the United States to prospectively include in contracts indemnification clauses holding contractors harmless against claims or losses set forth in subsection (b), regard-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7661

less of the possible fault of the contractor, provided that: "Such provision shall apply only to claims for losses arising out of or resulting from risks that the contract defines as (1) unusually hazardous or nuclear in nature of (2) giving rise to the possibility of liability against which the contractor cannot reasonably protect through private insurance or self-insurance; provided further, that no such provision shall be included in any contract for procurement of goods or services which are sold by the contractor to nongovernmental purchasers for uses or applications identical in nature, magnitude, and scope to the uses or applications made or to be made of the goods and services by the United States."

A designated official at a contracting agency shall determine whether the requirements of the above are met. In addition, the designated official shall determine the type and amount of financial protection in the form of insurance which is appropriate for the circumstances. The official shall take into account such factors as the availability, cost, and terms of private insurance, self-insurance, other proof of financial responsibility, and worker compensation insurance. Determination by any official under this subsection shall be final for purposes of the judicial review specified in subsection (c).

Subsection (b)(1) states that the indemnification provisions of subsection (a) shall apply to claims, including reasonable litigation expenses and uncompensated losses of the following types:

(A) Third party claims for injury to person or property;

(B) Loss of use of or damage to the contractor's property; and

(C) Loss of use of or damage to Government property; and

(D) Claims arising from indemnification agreements among contractors and subcontractors.

Subsection (b)(2) excepts from coverage of indemnification agreements entered into pursuant to this section claims or losses caused by the willful misconduct or lack of good faith on the part of any of the contractor's or subcontractor's directors, officers, or principal officials. "Principal officials" is defined as any of the contractor's managers, superintendents, or other representatives who have supervision over all or substantially all of (1) the contractor's business, (2) the operations of any plant or location where a contract is performed, or (3) a separate, major industrial operation in connection with the performance of a contract.

Subsection (b)(3) would permit the United States to discharge any indemnification obligations directly to the parties, including contractors, subcontractors, and third persons to whom the contractors or subcontractors may be liable.

Subsection (c) requires that in any indemnification provision the contract shall also provide for notice to the United States of any claim or loss covered by such provision and control or assistance by the United States in the settlement or defense of any such claim.

Subsection (d) provides that each contracting agency may determine, after opportunity for a hearing in accordance with 5 U.S.C. S. 553, whether any past, present, or future contracts involve the risks of the type set forth in subsection (a) of this section. Thus, the possibility of the contractor obtaining indemnification shall be retroactive under this subsection.

Subsection (e) provides for appellate judicial review of any decision or determination under subsection (a) or (d). However, the decision of the contracting agency, if supported by substantial evidence on the record, shall be conclusive. Thus, the burden of

proof in any appeal of a contracting agency's decision will be on the opponent of that decision.

Subsections (f) and (g) are technical in nature, referring primarily to affected areas of the United States Code. Under subsection (f), 50 U.S.C. SS 1431-1436, governing the authority of the heads of named agencies to enter into contracts in connection with national defense functions, shall not apply to indemnification of contractors as provided by the bill. In addition, 10 U.S.C. S. 2354, which currently provides indemnification for contractors in connection with certain ultrahazardous activities, would be repealed. Proposed S. 1839 is broader in scope than 10 U.S.C. S. 2354, since the bill does not solely limit the availability of indemnification by the nature of the activity to be performed under the contract, but provides indemnification for any activity for which the contractor has no or insufficient financial protection. 42 U.S.C. S. 241(a)(7) would be amended to delete the reference to section 2354 of title 10. The provisions of this bill would not affect the indemnification and limitation of liability provided for in 10 U.S.C. S. 2210, which applies to the Nuclear Regulatory Commission.

Subsection (g)(1) would authorize the contracting agencies to make indemnification provisions from (A) funds obligated for the particular contract; (B) funds currently available for contracts of the same type as the one giving rise to the liability in question; (C) funds specifically appropriated for such payments; or (D) funds appropriated pursuant to section 31 U.S.C. S. 724 (a), which authorizes appropriations for payments of judgments and compromise settlements against the United States. The authorization pursuant to this subsection would permit payment notwithstanding the provisions of 31 U.S.C. S. 665, which prohibits expenditures of funds in excess of appropriations, and 42 U.S.C. S. 11, which prohibits the making of contracts unauthorized by law.

Finally, under subsection (g)(2), 31 U.S.C. S. 724(a), would be amended by adding the words "and section 5 of the Contractor Liability and Indemnification Act" after the words "or 2677 of title 28."

In sum, S. 1839, being prospective in nature, would not be subject to possible constitutional challenges of retroactive application. The purpose of S. 1839 is to waive sovereign immunity for those negligent actions to which the United States contributed, but for which the United States is not now liable under *Stencil Aero Engineering v. United States*, 431 U.S. 666 (1977). The effect of S. 1839 would be to expand the protection currently available to contractors when they engage in the Government's business. Although the form this protection would take depends upon the particular contract between the U.S. and its supplier, there would be concomitant changes in the current law. Such changes are desirable, given the substantial risks taken by those contractors willing to do defense and nuclear-related work. ●

By Mr. GORE:

S. 1255. A bill to establish the National Commission on Bioethics; to the Committee on Governmental Affairs.

NATIONAL COMMISSION ON BIOETHICS

● Mr. GORE. Mr. President, I am today introducing legislation to create the National Commission on Bioethics.

The bill that I am introducing today is an outgrowth of legislation that I introduced during the 98th Congress as a Member of the House and which

was eventually approved by both the House and Senate but fell just short of becoming law.

The bill establishes a 15-member, congressionally appointed advisory commission. The purpose of the Commission is simple and straightforward: To provide a forum for the critical examination of the many difficult and complex issues presented by the application of new technologies to human beings.

We live in a time in which science and technology are developing so rapidly that they are surpassing the ability of our social, ethical, and legal institutions to cope with them. New technologies are swiftly presenting us with questions that we are unprepared to answer and choices we are unprepared to make.

For example, the amazing advances in biotechnology are rapidly giving us the power to alter the genetic basis of life. Yet, we do not have a good grasp on how we will best use the technology and what limits may have to be placed on it.

Moreover, as recent events with artificial heart transplants have demonstrated, we are acquiring the ability to sustain life in dramatic new, and sometimes unorthodox, ways. When is it appropriate to employ these devices and when is it not? How should we allocate scarce medical resources, and what role should cost play?

Additionally, we are approaching an era in which new reproductive technologies are radically affecting the ability of people to be parents and even changing the definition of parenthood itself. In vitro fertilization, embryo transfers, the freezing and storage of embryos, and other techniques have significant benefits. But they also raise serious ethical questions.

Unless we begin now to search for solutions to the serious ethical dilemmas that modern science is creating, events will simply overtake us. Indeed, the first authorized human gene therapy experiments may be conducted within a year, and as we have seen, other technologies are already being applied to humans. We must make sure that we take the necessary steps to answer the questions raised by the new technologies before they are answered for us.

As a Member of the House of Representatives, I served on the House Science and Technology Committee for 8 years and chaired its Investigations and Oversight Subcommittee for 4 years. In that capacity, I chaired numerous hearings on technological advances and the challenges they pose for our society. Those hearings have left me unshakably convinced that a commission to examine bioethical issues, such as the one I have proposed, is absolutely essential. In fact, the principal conclusion of 3 days of hearings that I chaired in November 1982 on human genetic engineering

S 7662

CONGRESSIONAL RECORD — SENATE

June 6, 1985

was that such a body must be established.

Because of the importance of these issues to our society, the Commission is designed to ensure that a broad and meaningful examination of them occurs.

First, the Commission is effectively independent. It is not housed within any Federal agency, and its members are appointed by a special 12-member Congressional Board on Bioethics, which the bill also establishes. Thus, the Commission will have maximum freedom to consider issues and render reasoned, objective advice.

Second, the Commission is composed of representatives from a variety of backgrounds, including the general public. A majority of the members are nonscientists, to ensure that the Commission's focus is on ethical issues and not technical scientific concerns.

Third, and finally, the Commission is nonregulatory. It is purely an advisory body with no regulatory power whatsoever. The Commission will consider issues and make written reports to the Congress. The impact of the Commission's conclusions and recommendations will therefore depend on how well reasoned they are.

Upon the conclusion of each of its studies, the Commission will submit a written report to Congress outlining its conclusions and any findings and recommendations it wishes to make. In this way, the Commission will provide Congress with much-needed analysis of the many difficult bioethical issues that confront our society.

The Commission is designed to be broad-based in both its composition and its approach to issues. Because our society is daily faced with complex choices in many areas, the Commission is charged to consider a wide range of bioethical questions. There is one area, however, that is so important that this legislation specifically directs the Commission to conduct a study of it as its first study. That is the question of human genetic engineering. The bill directs that a study of this issue must be completed and submitted to Congress by the Commission within 18 months of the Commission's establishment.

It is a primary responsibility of Government not only to promote science but to foresee its future and any problems it might present. As the new technologies develop, it will be essential that our Nation be informed about both the positive and negative implications of it. Particularly for those of us in Congress, it will be important that we base our reactions to and decisions about technology on objective, reasoned consideration of the issues and not on misunderstandings or exaggerations of its benefits or its potential for abuse.

Accomplishment of these objectives will require public education and reasoned debate over the complex issues that will confront us. The Commission

that I have proposed is an important step in that process.●

By Mr. BUMPERS (for himself, Mr. SIMPSON, Mr. PRYOR, Mr. GRASSLEY, and Mr. HELMS):

S. 1256. A bill to amend section 706 of title 5, United States Code, to strengthen the judicial review provisions of the Administrative Procedure Act by giving courts more authority to overturn unfair agency action; to the Committee on the Judiciary.

JUDICIAL REVIEW IMPROVEMENT ACT

● Mr. BUMPERS. Mr. President, on February 6, I introduced S. 396, the Small Business Fairness Act of 1985. That bill contained four major titles of importance to small business. Title I of that bill was my amendment to the judicial review provisions of the Administrative Procedure Act codified at 5 U.S.C. 706, legislation which has over the years come to be known as the "Bumpers Amendment Regulatory Reform Proposal." I am today introducing the Bumpers amendment as a separate bill for referral and action by the Judiciary Committee. I am pleased to be joined by Senators SIMPSON, PRYOR, GRASSLEY, and HELMS as co-sponsors.

As I mentioned, this is an important amendment to the Administrative Procedure Act which I have sponsored for several years and which passed the Senate in both the 96th and 97th Congress. It would give courts more authority to overturn the unfair and burdensome regulations which affect small business and individuals. In the 98th Congress, it was part of S. 1080, the Regulatory Reform Act. Unfortunately, this bill was not enacted into law.

It would restore vitality and balance to the judicial review provisions of the APA by putting individuals and businesses on an equal footing with Federal regulators when they enter the courthouse door. For too long, the courts have accorded all too much deference to agencies' opinions on questions of law, including the scope of each agency's own jurisdiction. It is fundamentally unfair for an agency to be the judge of the scope of its own power.

Under our system of justice, questions of law are to be decided by an impartial court, and all litigants are supposed to be equal in the eyes of the law. But the courts have accorded an undue presumption of validity to the agency's proceedings. Under my amendment, the agency would have to show, based on the record, that it was legally and factually justified in taking the actions which it took. My amendment will ensure that judicial review is not a rubber stamp process, as it too often is under the current vague standards of judicial review.

My amendment will admonish the Federal judiciary to decide all administrative matters "independently." In informal rulemakings, it will require that there be "substantial support" in

the rulemaking file for the factual predicate of a rule. If questions are raised about an agency's power to act as it did, the agency will be required to prove that its authorizing legislation specifically gave it the jurisdiction or authority to take the action it took. On all other questions of law, the court is to accord "no presumption" either in favor of or against the agency's action.

I am absolutely convinced that this is a legislative idea that is critically important to small business and everyone who ends up in litigation against a Federal agency, and it is a proposal for which the time has come.

This amendment to the Administrative Procedure Act is supported by the American Bar Association, by the Chamber of Commerce, and the Business Roundtable. Rarely has such a consensus existed about the need for such legislation which has gone unmet for so long.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD, along with a legal analysis of the measure. I urge the Judiciary Committee to act on this important measure as soon as possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Judicial Review Improvement Act of 1985."

SECTION 1. Section 706 of title 5, United States Code, is amended to read as follows:

"§ 706. Scope of review

"(a) To the extent necessary to decision and when presented, the reviewing court shall independently decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

"(1) compel agency action unlawfully withheld or unreasonably delayed; and

"(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority or limitations, or short of statutory right;

"(D) without observance of procedure required by law;

"(E) unsupported by substantial evidence in a proceeding subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute;

"(F) without substantial support in the rulemaking file, viewed, as a whole, for the asserted or necessary factual basis, as distinguished from the policy or legal basis, of a rule adopted in a proceeding subject to section 553 of this title; or

"(G) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

"(b) In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party,

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7663

and due account shall be taken of the rule of prejudicial error.

"(c) In making determinations concerning statutory jurisdiction or authority under clause (2)(C) of subsection (a) of this section, the court shall require that the action by the agency is within the scope of the agency jurisdiction or authority on the basis of the language of the statute or, in the event of ambiguity, other evidence of ascertainable legislative intent. In making determinations on other questions of law, the court shall not accord any presumption in favor of or against agency action."

Sec. 2. This Act shall apply to agency action taken on or after May 1, 1985.

LEGAL ANALYSIS OF BUMPERS AMENDMENT POLICY

These amendments to section 706 of the Administrative Procedure Act contained in the Judicial Review Improvement Act of 1985 are premised on the basic constitutional principal that in a representative democracy, legislative power shall be exercised by elected representatives and not by unelected officials who are not directly responsible to the electorate. The delegation doctrine requires that there be mechanisms for controlling the exercise of delegated regulatory power.

The mechanisms are the requirements that when the legislature delegates power it must establish an "intelligible principle" to govern the delegate, and that the judiciary will hold invalid actions which are not authorized by the statutory delegation. In the words of Mr. Justice Reed—

"An agency may not finally determine the limits of its statutory power. That is a judicial function. *Social Security Board v. Nierotko*, 327 U.S. 358, 369 (1946).

The insertion of the word "independently" in the introductory sentence of section 706 reemphasizes this primary role of the courts.

SCOPE OF AGENCY JURISDICTION

The first sentence of new subsection (c) of section 706 directs the courts to exercise their traditional review function to prevent an agency from acting beyond its regulatory authority.

This provision directs the courts to play a more active role in policing regulatory power by closely construing statutes which transfer regulatory authority to administrators. See Stewart, "The Reformation of American Administrative Law," 88 Harv. L. Rev. 1667 (1975). The Supreme Court has followed this approach in two recent decisions. See *FCC v. Midwest Video Corp.*, 99 S. Ct. 824 (1979); *NLRB v. Catholic Bishops of Chicago*, 99 S. Ct. 1313 (1979). See also *Kent v. Dulles*, 357 U.S. 116 (1958); *National Cable Television Assn. Inc. v. United States*, 415 U.S. 336 (1974); Schwartz, "Administrative Law Cases During 1979," 32 Ad. L. Rev. 441, 413-415 (1980).

Under subsection (c), a court must determine that the agency's authority to act has been granted expressly in the language of its organic statute or, in the event of ambiguity, by reference to the statute's legislative history or other materials relevant to ascertaining legislative intent. This provision is intended to underscore the duty of the courts to insure that agencies do not transgress the outer boundaries of their authority. Indeed, for a court to allow an agency to go beyond these boundaries would be "an unwarranted judicial intrusion upon the legislative sphere wholly at odds with the democratic processes of lawmaking contemplated by the Constitution." *Lubrizol Corp. v. EPA*, 562 F. 2d 607, 620 (D.C. Cir. 1977). See *City of Palestine v. United States*, 559 F. 2d 408, 414 (5th Cir. 1977); *National*

Nutritional Foods Association v. Matthews, 557 F. 2d 325, 326, (2d Cir. 1976)

Subsection (c), then, does not seek to impose any new, strange, or radical duty on the judiciary. Instead, it simply directs the reviewing court to take a hard look at an agency's assertions of regulatory jurisdiction or authority. It will allow the reviewing courts to make use of all appropriate materials for ascertaining the legislative will, but it is not intended to allow abuses of post-hoc legislative history. *Consumer Product Safety Commission v. GTE Sylvania*, U. S. 64 L. Ed. 2d 766 (1980). Performance of this duty often will be difficult, but I am confident that the good sense and resourcefulness of the Federal Judiciary will be equal to the task.

In making such determinations, the court will be influenced not only by the statute's legislative history but also by the nature of the asserted power. If, for example, the agency is asserting a basic or significant extension of authority, especially one which bears on personal liberties or heralds significant involvement of the agency in a new area or imposes significant costs, the reviewing court should not uphold the extension unless it is convinced that the statute and relevant legal materials demonstrate that Congress specifically or generally addressed the issue, and that the statute does contain the authority asserted by the agency.

On the other hand, if the asserted authority at issue relates to an interstitial or minor matter, the reviewing court might well conclude that although Congress had not really addressed the issue, the matter is of such a character that sensible administration necessarily requires exercise of such an implementing authority.

From the perspective of the agencies, it is true that some statutes are imperfectly drafted, or are silent or even conflicting. In these circumstances, agencies must use their discretion soundly to formulate the most appropriate means of carrying out their basic statutory mandates, filling in what are interstices of the statutory framework by which they are bound but adhering scrupulously to express or implied limitations on their authority.

EFFECT ON DEREGULATION AND EFFORTS TO LESSEN THE BURDENS OF REGULATION

It should be emphasized that the primary thrust of this portion of the bill is to curb attempts by agencies to exercise positive jurisdiction in areas beyond the boundaries spelled out in their organic statutes. It is not intended to prevent an agency from exempting from regulation activities or persons under the traditional de minimus rationale where such exemptions are consistent with the basic purposes of the statute. Nor is this amendment intended to preclude rational interpretation and application of statutory criteria in ways that lessen the cost and other burdens of regulation.

The intent is to exclude those cases where the agency exercises its permissible discretion and declines to take affirmative action. Such a declaration is consonant with the policy to encourage agencies to refrain from taking unnecessary or inappropriate regulatory measures.

Nor is the amendment intended to nullify broad grants of administrative discretion where Congress knowingly intends that. When the statute and legislative history are clear that Congress intended a broad delegation, and the grant is not so unconfining as to violate the delegation doctrine, courts should give effect to such an intended broad grant. But the reviewer—the court, not the agency, is to determine independently whether the asserted power has in fact been conferred, either expressly or by implication.

THE "NO PRESUMPTION" CRITERIA

The second sentence of new subsection (c) of section 706, together with the insertion of the word "independently" in subsection (a), is intended to make clear that Congress intends the courts to perform, and to perform diligently, their traditional role as the ultimate and impartial interpreters of the law. It is designed to insure that as to decisions of law, the agency and the appellant stand on equal footing before the law without bias, preference, or deference to either and without any presumption in support of or against agency action, except as to questions of jurisdiction, where the first part of subsection (c) imposes the burden upon the agency.

In providing that the "no presumption" criterion will apply only to questions of law, the intent is to preserve the existing "arbitrary, capricious, an abuse of discretion" standards of section 706 with respect to policy determinations within the permissible limits of agency discretion. The intent is also to make it clear that the reviewing court will apply the new "substantial support" standard in clause 2(F) only to agency factual determinations.

Thus, ample room is left for proper reliance on agency expertise where it actually exists. It is recognized that some issues will involve mixed legal and policy, or mixed legal and fact, aspects. Regardless of the agency's characterization of the issues, the courts must independently define the issues and reexamine independently the questions of law involved; at the same time, the courts should recognize the primary role of the agency with respect to choice of policy, official notice of legislative facts, and factual findings.

It is not the intent of the no presumption criterion to preclude consideration of an agency legal interpretation. This interpretation will be one element of the process of independent judicial reexamination. The effect of any agency interpretative judgment, whether contained in a rule or order, on the court's own interpretation should not, however, depend on some general rule of deference. Rather the court, in examining the agency interpretation, should evaluate the thoroughness in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements and all those factors which give it power to persuade if lacking power to control. *Skidmore v. Swift & Co.* 323 U.S. 134, 140 (1944). The court should also weigh any countervailing factors bearing on the validity of the agency's legal position.

Thus, the court may not regard the agency's reading of the statute as controlling or entitled to a deference that would avoid the court's reaching its own independent judgment. Accordingly, under this amendment, a reviewing court may not proceed on the assumption that it should uphold an agency's statutory construction so long as the construction is not unreasonable or not irrational. Instead, the court shall regard the interpretation of the statute as a judicial question.

SUBSTANTIAL SUPPORT FOR FACTUAL DETERMINATIONS

The substantial support standard of new clause 2(F) of paragraph (a) relates to review of factual determinations in informal rulemakings. The standard recognizes that in such proceedings there is a distinction between an exercise of discretion (policy choice) by the agency, which remains subject to the "arbitrary, capricious an abuse of discretion" standard of clause 2(A), and the factual foundation for such a choice.

S 7664

CONGRESSIONAL RECORD — SENATE

June 6, 1985

Relying on the analysis in Administrative Conference recommendation 74 to 4, 1 CFR, sections 305.74-4, the new clause 2(F) requires substantial support for factual determinations in informal rulemaking in two cases:

First. Where the finding of fact is necessary to the rule, that is to say, where the policy choice would fail to satisfy the arbitrary, capricious, an abuse of discretion criterion absent such a finding of fact.

Second. Where the finding of fact is an "asserted" basis for the rule, that is to say, where the agency relies on the finding as part of its rationale for the policy choice reflected in the rule.

Under the terms of clause 2(F) the "substantial support" must be found in "the rulemaking file, viewed as a whole." This provision meshes with other provisions of the act amending section 553 calling for the organized and systematic development of a file on which the rulemaking action is to be based. Pedersen, "Formal Records and Informal Rulemaking," 85 Yale L.J. 38 (1975). The amendment does not preclude an agency in an appropriate case from taking official notice of legislative facts that underpin policy choice.

Earlier versions of this amendment in the 95th and 96th Congresses used the words "substantial evidence" rather than "substantial support." The change in language is meant to negate any implication that the intent of the amendment is to require indirectly the use of trial-type procedures in informal rulemaking. Procedural requirements for such rulemaking will be found in other provisions of the Administrative Procedure Act, as amended, and in constitutional and common law considerations of fairness.

On the other hand, the words "substantial support" are intended to require that the data or materials on which the agency bases its factual determinations must be reliable and credible even though they do not necessarily satisfy the rules of evidence applied in judicial proceedings.

Enactment of these three changes in section 706 will not require all Federal courts to alter their decisional process. As Mr. Justice Frankfurter said with respect to a similar congressional endeavor some years ago:

"Some—perhaps a majority—have always applied the attitude reflected in this legislation. To explore whether a particular court should or should not alter its practice would only divert attention from the application of the standard now prescribed to a futile inquiry into the nature of the test formerly used by a particular court. *Universal Camera Corp. v. NLRB*, U. S. 474, 790 (1951)."

The ultimate objective of this amendment is to make sure that the pace and scope of regulation conform to the timetable and map established by elected representatives rather than by an unelected bureaucracy.

TECHNICAL

First. The changes in section 706 are not intended to affect any applicable rule of law which provides that in a civil or criminal action reliance on an agency rule or order is a defense. Thus, a defendant who has acted in compliance with an agency rule or order would continue to have any protection the law now provides even if the rule or order is subsequently found to be invalid.

Second. The Congress expects that whenever an agency rule or order is challenged in a civil action where a private party is suing under an express or implied right of action for violation of an agency rule (arguably not a "proceeding for judicial enforcement" within the meaning of section 706 scope of review applies), the court will apply the

same standards of review as set forth in section 706. In stating this expectation there is no intention to imply any new standing or right of a defendant to challenge the validity of an agency rule or order. Thus, only if and to the extent that a rule can be reviewed by the court in the action would the reviewing court be expected to apply the same section 706 tests of lawfulness of agency action.

Third. While this amendment applies to the judicial review of questions arising under the existing and future organic acts of Congress where the general standards for judicial review as previously articulated in section 706 have been applicable, it is not intended either to change any settled judicial interpretation existing at the date of enactment as to the boundaries of a particular agency's jurisdiction or authority determined by a Federal appellate court, or to unsettle any res judicata or collateral estoppel effects of prior court decisions that have become final.●

By Mr. GARN:

S. 1258. A bill to modify the restrictions on the use of a certain tract of land in the State of Utah, and to provide for the conveyance of the fence located on such tract to the Armory Board, State of Utah; to the Committee on Veterans' Affairs.

MODIFICATION OF RESTRICTIONS ON CERTAIN TRACT OF LAND

● Mr. GARN. Mr. President, I am pleased to introduce a bill which would allow the Utah National Guard and Reserve to relocate in larger facilities. Companion legislation is being introduced in the House of Representatives today by Congressman MONSON.

The Utah Guard requested the move for three reasons: First, the lack of space at the current facilities located adjacent to the University of Utah. Second, to resolve the legal problem of having the Utah National Guard housed on a federally owned armory property, instead of a State facility. Third, the current location creates numerous transportation problems in the movement of heavy equipment and armor through downtown Salt Lake City to the training center at Camp Williams.

The National Guard has occupied the current facilities for over 30 years. With the expanding role of the National Guard in the security of our country, adequate facilities are essential. The property that the Utah National Guard is interested in purchasing has a larger, more modern building, which is located closer to Camp Williams.

The Veterans' Administration declared this property surplus land in 1954. Congress granted the Utah State Armory Board all right, title, and interest in the 35 acres adjacent to the Salt Lake City Veterans' Administration Medical Center. However, certain restrictions were applied to this property. Those restrictions include training, civic, and related purposes.

This proposed legislation would expand the potential uses of this land to include hospital, educational, civic, residential, or related purposes. This will allow the State Armory Board to

sell a portion of this property and enable it to be developed in some reasonable manner. The original intent of the 1954 legislation will be respected. This current legislation will not interfere with the present or prospective operation of the Veterans' Administration hospital.

The Veterans' Administration, the National Guard Bureau and the Utah State Armory Board all approve this legislation. I, too, believe that this bill is the most prudent way to resolve the problem of overcrowding at the current facilities. It is also important to address the safety problems. Under current conditions, it is only a matter of time before a crisis, such as a transportation accident, occurs. Congress should act quickly on this legislation to alleviate these problems.

I ask my colleagues in the Senate and in the House to join me in supporting this bill.●

ADDITIONAL COSPONSORS

S. 274

At the request of Mr. DENTON, the names of the Senator from Idaho [Mr. McCURE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 274, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 408

At the request of Mr. WEICKER, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 408, a bill to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 680

At the request of Mr. THURMOND, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Kentucky [Mr. McCONNELL] were added as cosponsors of S. 680, a bill to achieve the objectives of the Multi-Fiber Arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers.

S. 788

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 788, a bill entitled the "Senior Citizens Independent Community Care Act."

S. 816

At the request of Mr. EXON, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 816, a bill to establish the Pine Ridge Wilderness and Soldier Creek Wilderness in the Nebraska National Forest in the State of Nebraska, and for other purposes.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7665

S. 865

At the request of Mr. MATHIAS, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Arkansas [Mr. PRYOR], the Senator from Washington [Mr. EVANS], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 865, a bill to award special congressional gold medals to Jan Scruggs, Robert Doubek, and Jack Wheeler.

S. 983

At the request of Mr. MCCLURE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 983, a bill to provide for limited extension of alternative means of providing assistance under the School Lunch Program and to provide for national commodity processing programs.

S. 986

At the request of Mr. BOREN, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1954 to disallow any deduction for advertising or other promotion expenses with respect to arms sales.

S. 987

At the request of Mr. EXON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 987, a bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861-65.

S. 1169

At the request of Mr. DURENBERGER, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 1169, a bill to ensure economic equity for American women by providing retirement security for women as workers and as divorced or surviving spouses, making quality dependent care available to all working families, ending discrimination in insurance on the basis of race, color, religion, national origin, or sex, providing equal employment opportunity and pay equity for women, treating women and low-income families more equitably under the tax laws and tax reform proposals, and improving the health care coverage of displaced homemakers and Medicare recipients.

SENATE JOINT RESOLUTION 24

At the request of Mr. BRADLEY, the names of the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 24, a joint resolution to designate the month of October 1985 as "National Make-A-Wish Month."

SENATE JOINT RESOLUTION 73

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mrs. KASSEBAUM], was added as a cosponsor of Senate Joint Resolution 73, a joint resolution to designate the week of September 15, 1985, through

September 21, 1985, as "National Independent Free Papers Week."

SENATE JOINT RESOLUTION 102

At the request of Mr. ZORINSKY, the name of the Senator from North Carolina [Mr. HELMS], was added as a cosponsor of Senate Joint Resolution 102, a joint resolution to establish a National Commission on Illiteracy.

SENATE JOINT RESOLUTION 138

At the request of Mr. DURENBERGER, the name of the Senator from Texas [Mr. GRAMM], was added as a cosponsor of Senate Joint Resolution 138, a joint resolution to designate the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 142

At the request of Mr. LEVIN, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nebraska [Mr. ZORINSKY], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. PRYOR], the Senator from Nebraska [Mr. EXON], the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. LUGAR], the Senator from Texas [Mr. GRAMM], the Senator from Rhode Island [Mr. PELL], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 142, a joint resolution to designate June 12, 1985, as "Anne Frank Day."

SENATE RESOLUTION 178—RELATING TO AUTOMOBILE FUEL ECONOMY STANDARDS

Mr. EVANS (for himself, Mr. METZENBAUM, Mr. DANFORTH, Mr. EAGLETON, Mr. HEINZ, Mr. WEICKER, Mr. PROXMIRE, Mr. DURENBERGER, Mr. COHEN, Mr. INOUE, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. GORTON, Mr. PELL, and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. Res. 178

Whereas,

(1) This nation should pursue an energy policy that encourages energy efficiency and reduces our vulnerability to interruptions of foreign supplies;

(2) In addition to price-induced conservation, Corporate Average Fuel Economy (CAFE) standards have been responsible for the near doubling since 1975 of the average fuel economy of new cars sold in the United States;

(3) Previous government estimates of United States domestic oil and gas reserves—especially offshore supplies—recently have been revised significantly downward;

(4) General Motors, Ford, and a number of Japanese and European automobile manufacturers have petitioned the administrator of the National Highway Traffic Safety Administration (NHTSA) to roll back the CAFE standard beginning with the 1986 model year;

(5) The administrator is expected to rule on these petitions shortly.

Now, therefore, be it

Resolved, That it is the sense of the Senate that: The administrator of the National Highway Traffic Safety Administration (NHTSA) should retain the CAFE (corporate average fuel economy) standard for passenger automobiles specified in current law.

● Mr. EVANS. Mr. President, today I am submitting—along with Senators DANFORTH, METZENBAUM, EAGLETON, and others—a resolution that would call for maintaining what I believe is an important energy conservation standard under current law.

The Secretary of Transportation will, in the next few weeks, make a decision on whether to roll back the current corporate average fuel economy [CAFE] standard from 27.5 miles per gallon to 26 miles per gallon. Every manufacturer selling new cars in the United States is required to meet this fuel economy standard—on a fleet average basis—or be liable for a financial penalty.

Recently General Motors and Ford filed petitions at the 11th hour to have the standard rolled back for the 1986 model year. This effort is being supported by a number of Japanese and European auto manufacturers. Chrysler, which has met the standard, opposes the petitions. Based on all the information I have available to me, I am strongly opposed to the requested rollback.

One word summarizes the predominant view in this country of world and domestic energy markets—complacency. We hear a lot of smug statements these days, like: First, OPEC's back has been broken; second, the United States has reduced its dependence on foreign sources of oil, especially OPEC sources; third, the price of oil in real terms has dropped substantially over the past 3 years; fourth, \$1 per gallon gasoline is back; and fifth, consumers have returned to larger and more performance oriented cars. While all of these statements may be true now, we must ask ourselves: Will they be true tomorrow?

Because the current picture appears rosy, people have decided that energy conservation and reducing our vulnerability to energy-supply interruptions are no longer as important as they were following the Arab oil embargo in 1973 or as important as they were following the price increases caused by the Iranian revolution. Will we fail to heed these painful lessons of recent history?

I do not deny that current trends are realities. But they are, in my view, short-term realities. We cannot afford, out of complacency or myopia to abandon the modest, yet successful, efforts that we initiated in energy conservation over 10 years ago with EPCA, the Energy Policy and Conservation Act.

In fact, even these modest policies, barely a decade old, seem to be dying a slow death on the vine of complacency and tight budgets today. A supposedly balanced program of R&D into alter-

S 7666

CONGRESSIONAL RECORD — SENATE

June 6, 1985

native ways of producing energy has become unbalanced. Since 1981, funds for renewable energy R&D such as solar, wind, and geothermal have been severely cut, with little justification. Funds for the advanced breeder reactor have also been cut dramatically. We will need these energy technologies in the future. The Government does have a role to promote a balanced range of energy technologies by funding basic R&D up to the point of proof-of-concept, and perhaps beyond.

On the other hand, we still continue to spend upward of \$8 billion in loan and price guarantees for the Synfuels Corporation. The technology that is being funded by the Synfuels Corporation is not particularly new or innovative. Much of it has been developed abroad. The Government has seen an important role for the support of commercial synfuels production facilities in this country. Yet it will be fortunate to be producing 75,000 barrels per day by 1990, when the drafters of the Energy Security Act of 1980 anticipated 500,000 barrels per day by 1987. The Government also has spent liberally over the years to fund the basic and applied R&D for nuclear fission and fusion technologies. As late as 1983, DOE was still spending over \$800 million on nuclear activities and \$450 million on fusion R&D.

We have not thought out what a U.S. energy strategy should be and have not applied our funds in a rational, coherent manner. There appears to be little coordination between the various agencies and departments involved in U.S. energy policy. Officials overlook that fact that aggressive CAFE standards could perhaps be our most cost-effective energy policy. For example, improving the average miles per gallon for the entire fleet from approximately 16 to 30 miles per gallon would save about 2.1 million barrels per day—more than our current imports from the Middle East. It is doubtful the Synfuels Corporation could achieve that goal at any price.

Today, we are headed back down the road of energy vulnerability. Two of the most successful energy policies in the last 10 years, in my view, are being seriously eroded now. The administration has proposed a temporary moratorium on filling the strategic petroleum reserve, which the Senate has accepted in our budget resolution. While there appears to be some justification for such a moratorium now because of the overriding need to reduce the budget deficit, I feel the pressures to keep the 1986 moratorium permanent will grow. And now we have the GM and Ford proposal to rollback CAFE standards for the 1986 model year. CAFE is the last remnant of an energy policy designed to reduce foreign dependence and increase energy efficiency.

Mr. President, it is important to note that the automobile manufacturers themselves have admitted that the 1975 CAFE law was an important

factor in helping them withstand the shock of the oil supply disruption occasioned by the Iranian situation in 1979. No one can argue that the Middle East is any more politically stable now than it was then. We cannot afford to retreat from our commitment to increasing our energy independence.

Technology is not the problem. Just 5 years ago GM announced its intention to achieve a fleet fuel economy average of 31 miles per gallon by this year. They would not have made that statement without convincing evidence of the technological feasibility of their goal. Although feasible, they have not come close to meeting their own stated goal while some foreign manufacturers have exceeded it.

The automobile manufacturers were given an opportunity to meet this standard in whatever manner they felt was most appropriate. They could choose from a variety of options. For example, some of the newer, fuel-efficient automobiles on sale today easily surpass 50 miles per gallon. Diesel engines can dramatically improve the fuel economy of the overall fleet. Newer engines coupled with even lighter cars and improved aerodynamics can improve fuel efficiency even further.

The most recent surveys on U.S. oil production and consumption are not encouraging. The latest Energy Information Administration [EIA] energy projections published in January—Annual Energy Outlook 1984, with Projections for 1995—indicate a dramatic reduction in U.S. domestic production, and an equivalent increase in net oil imports in the 1990's. The report is based on conservative assumptions of \$25 per barrel of oil and a 3.1-percent GNP growth rate. It projects that from 1985 to 1995, domestic production drops from 11.1 million barrels per day to 7.6 million barrels per day, while net oil imports rise from 5.1 to 11.7 million barrels per day. Ten years is not a very long time in the energy business. Nor is it a very long time in the auto business, which requires long investment lead times.

A recent study by the Office of Technology Assessment—Oil and Gas Technologies for the Arctic and Deepwater—regarding the offshore oil and gas resources in the United States revealed a dramatic reduction in anticipated oil and gas reserves. Much of this is due to the disappointing results in drilling on the Alaskan North Slope: estimates have dropped from 12.2 to 3.3 billion barrels from 1981 to 1984. For the entire United States, oil reserve estimates have dropped by 55 percent while gas reserve estimates have dropped by 44 percent. This is not encouraging news. With domestic production declining by this magnitude, one can easily anticipate out a scenario in which oil imports will surpass their previous peak of 9.3 million barrels per day in 1977.

In sum, the recent evidence from the EIA [Department of Interior] and the OTA all point in one direction—less oil available to the U.S. consumer in the 1990's. Hence, the need is greater than ever to maintain the current CAFE standards. In fact, we should consider raising them to a level that is reasonable in light of advancing technology. We must remember that liquid petroleum fuel is a finite fuel and it's rapidly disappearing from the Earth with current rates of consumption. It is being depleted not only in the United States but in many developing countries where pressures for growth and population will put even greater pressure on this valuable resource.

Proponents of the rollback will cite the recent trends of softening in world oil markets and reduced dependence on OPEC oil. They also will cite the demands of the marketplace and characterize CAFE as an old-fashioned and outdated intrusion into the private market.

Let's not be fooled by their rhetoric. All evidence points to the conclusion that the current relative calm in the oil markets will not last. In fact, consumer demand is as much a function of actions taken by the auto companies themselves as anything else. On Monday of this week Ford ran a two-thirds page ad in the Wall Street Journal offering cut-rate financing for Lincoln Continentals—not high on the list of energy efficient automobiles. It would be curious for them to deny that these marketing efforts will not spur demand for those cars that contribute to the failure to meet the CAFE standards.

Moreover, it is fairly apparent that we are not dealing with anything approaching a free automobile market. It is interesting that some automobile companies are now attempting to cloak themselves in the mantle of free market advocacy. Those same companies, in the not-to-distant past, were not similarly disposed when the issue was import restrictions on Japanese automobiles. They cannot have it both ways.

The companies will also assert that a failure to roll back the standards will put them in an unlawful situation and subject them to potential liability in a shareholder suit. This is a specious argument that is being used as a smoke-screen to obscure the fact that it was the conscious decision of automakers themselves not to meet the standard. Their objective, as it should be, is to maximize profits. No doubt their financial analysts concluded that the companies would be more profitable in not meeting the standard—and paying the fine—than in meeting the standard by withholding production of some larger—and more profitable—cars.

Rolling back the standard would result in a windfall to the companies that made the conscious decision to maximize profits by not meeting the standard. It would also place those

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7667

companies that made the investments necessary to meet the standard at a competitive disadvantage in the marketplace.

Mr. President, my basic position is this: CAFE is an extremely effective conservation measures. The Government should continue to remain in the business of insuring energy efficiency, and therefore, the CAFE standard should be maintained. Those companies that failed to meet the standard should face the consequences. In fact, we should think about strengthening the standards for the sake of future generations. If we relax our energy efficiency efforts today, people in the year 2000 and beyond will view such actions as selfish, wrong, and shortsighted. ●

● Mr. METZENBAUM. Mr. President, I am pleased to join my colleagues in submitting this resolution on corporate average fuel economy [CAFE] standards.

The request by Ford and General Motors to roll back the CAFE standards has tremendous implications for the long-term health of the auto industry and our national commitment to energy conservation. For these reasons, I believe that this is an issue which this body has a responsibility to address.

A few weeks ago, the Energy Regulation and Conservation Subcommittee of the Energy Committee held an extensive hearing on this issue.

We heard a lot of talk about the free market and consumer choice being the driving forces behind the need for a rollback in the CAFE standard.

But there are other issues involved which I believe have a greater relevance to this debate.

They are the need to save energy, and responsibility.

I refer to the responsibility of the auto industry, the responsibility of the administration, and the responsibility of Congress.

Mr. President, the CAFE standard for 1985 was established in 1975—10 years ago. It was not a number which popped up overnight.

When the Senate subsequently attempted to establish mandatory mileage minimums, the industry argued that the CAFE standards would be as effective in stimulating fuel efficiency. They wanted and got the standard now found in the law.

The main purpose Congress had in setting the standards was to reduce our energy vulnerability.

Even today, the transportation sector uses over 60 percent of all our liquid petroleum supplies. So reduction in demand in the transportation sector can go a long way in improving our energy security.

Even DOE admitted in testimony before our subcommittee that improvements in auto fuel efficiency have resulted in a savings of 1 million barrels of oil per day.

Neither the market nor consumer demand can change those facts.

The standards are also a challenge to the creativity and resourcefulness of the auto industry.

It was not the intent of the law to deny large cars to the consumers.

The law was intended to be a technology-forcing mechanism whereby the companies would make their mid and large size cars more fuel efficient.

Congress set the standard because it had learned from 1973 what tremendous problems result from an oil supply interruption.

And in 1979 and 1980, we saw again how disruptive such an interruption can be. Prices of gas skyrocketed, and the auto industry was on its knees, because it had resisted building the kind of fuel efficient cars that Americans wanted and needed.

So we bailed them out.

We provided loan guarantees for one, and established import quotas to limit the competition from overseas to protect the domestic industry. But underlying all of this was the implicit agreement that the auto companies would take advantage of the assistance we were providing to remake their fleets and start turning out the kind of fuel efficient cars that are necessary in today's market.

And the car companies told us they would meet the challenge.

As recently as last year, they were telling a subcommittee in the House that they would meet the standard.

But today, it's a different story.

The two largest auto makers in this country have petitioned Congress and the administration at the 12th hour to change the standards in the law so they can avoid hundreds of millions of dollars in fines.

The Havoc brought on by the crisis of 1979 and 1980 have been washed away by the record profits of 1983 and 1984.

The cry seems to be "The problems are over. Let us go back to the good old days, and continue to offer Americans big gas guzzling cars."

The administration with its ideological adherence to the free market has joined the campaign to roll back the standards.

Mr. President, this type of attitude is not only shortsighted, it is simply irresponsible.

The next energy crisis could develop overnight. And Congress, the administration and the auto industry have a responsibility to do all that can be done to ensure America's security when the next crisis inevitably strikes.

Yet this responsibility has been abandoned.

It's been abandoned by two of our domestic auto manufacturers.

They come and tell us "It's not our fault, the market demands larger cars."

What they don't tell us is that two other domestic manufacturers have made the investments necessary to meet the standards.

They don't tell us that consumer demand regarding the size mix of cars has been very stable since 1980.

They don't tell us that they have delayed investing the capital needed for technology improvements in their large- and Mid-size cars simply because they continue to make money on the old, less fuel efficient lines.

Had they made the improvements as planned, they would be very close to meeting the standards today.

They don't tell us that as recently as December, they provided documents to the National Highway Traffic Safety Administration showing that over the next 3 years they expect to earn credits for exceeding the current standards.

They don't tell us about the special marketing programs they run to provide below market financing for their large cars.

In short, Mr. President, they have simply decided not to live up to their responsibility because they made more money by not doing so.

They have abused the flexibility Congress built into the law to push their noncompliance to the last minute. And now, facing hundreds of millions of dollars in fines, they want the Government to bail them out again.

I wonder how they would react if the Government backed off a commitment as they are proposing to do now?

The administration's performance has been as equally dismal.

All we hear from them is that the market should determine fuel efficiency standards.

How absurd.

The whole purpose of the standards is to provide a floor against fluctuations and incorrect signals of the market.

If a crisis occurs overnight, it would take the automakers years to adjust to a sudden shift in the market.

What happens to our Energy Conservation Program and the domestic auto industry in the meantime?

The standards are an attempt to avoid such dramatic swings in the market and the fortunes of the industry.

Yet the administration comes to this issue armed only with its ideological belief in the free market.

Where is the detailed, thorough analysis that should accompany its recommendation to end fuel efficiency standards?

In light of the irresponsibility of these two actors, the responsibility falls upon Congress.

The resolution we are introducing today urges the Administrator of the National Highway Traffic Safety Administration [NHTSA] not to roll back the CAFE standards.

This resolution is an attempt to send a signal to both the administration and the auto companies, that this body has not walked away from its re-

S 7668

CONGRESSIONAL RECORD — SENATE

June 6, 1985

sponsibility, and doesn't think they should, either.

It's a gentle nudge, and it may not be enough.

We may find it necessary to take legislative action in the future if the administration and the auto companies don't turn around.

But for now, it is important that we send this signal.

The public, the administration and the auto companies must understand that this Congress is as committed as ever to the goal of energy security and does not look lightly on attempts to take a shortsighted view of this important issue.

Mr. President, recently, the Cleveland Plain Dealer and the New York Times published editorials on the corporate average fuel economy standards.

I ask unanimous consent that these editorials be inserted in the RECORD, and I recommend that my colleagues read them.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer]

FUEL EFFICIENCY FOLLIES

The expressed desire of two major U.S. automakers for a reduction in federally mandated fuel efficiency standards makes a good deal of sense—from their marketing viewpoint.

The standards, born of the oil embargo of a decade ago, called for fleets made in 1985 to average 27.5 miles per gallon. The small cars made by General Motors Corp. and Ford Motor Co.—the ones that haven't sold as well as their Japanese counterparts—have had no trouble meeting this goal. But the larger models—the ones that bring the larger profits—fall short. And, since the fear of diminishing oil supplies has worn off in recent years, GM and Ford have returned to selling Americans on the idea that, down deep in their driving hearts, they really want—need—the variety of automotive behemoth that uses more fuel.

Now, raising the shade of unemployment that they say surely looms if they are not allowed to undercut the mileage goal while simultaneously hoisting the strange-to-their-touch banner of free-market choice, GM and Ford have petitioned the National Highway Traffic Safety Administration to lower the standard to 26 mpg. Indications are that the deregulatory-minded agency will comply and, Sen. Howard Metzenbaum's protests notwithstanding, that the Senate will not intervene.

If these two exemplars of Detroit's historically myopic wisdom want the free market, then most certainly they should have it—in all its competitive splendor. But that freedom, they should note, includes the right to find themselves bankrupt, without recourse to governmental beneficence, if and when world oil prices again soar and the demand of the American marketplace, dependent upon imported oil for a third of its supply, swings back to the most efficient of automobiles. Yes, give them the free market. And when the Lincolns and Cadillacs that bring the high profits overflow the storage lots for lack of sale, and the makers come beseeching Congress for protection from the more competitive, foreign-made,

fuel-efficient vehicles—then, give them the gate.

[The New York Times, May 21, 1985]

THE "FREEDOM" TO GUZZLE GAS

"Free-market factors," not Government, asserts the Reagan Administration, should determine how much gasoline America's cars consume. Therefore the Transportation Department wants to lower the current average standard of 27.5 miles per gallon, which Ford and General Motors are unable to meet. It also wants Congress to enact a looser standard for future years.

The Administration's argument is that the consumer knows best what products are worth buying. That's right, more often than not. But in the case of auto fuel consumption, the public is party to every purchase: It bears some of the costs. The more fuel cars consume, the higher the price of all oil and the greater the risk of a supply crisis.

Unless Government represents this public interest, the "free-market" choice is bound to be an inefficient one. A mileage standard for auto fuel is not the only way to correct this inefficiency, and it certainly isn't the best way. But for the moment, it is the only way we have.

Mileage standards were decreed by Congress in 1975. Since then, the amount of gasoline needed for the average new car has been nearly halved. With oil plentiful and getting cheaper, Ford and General Motors are struggling, unsuccessfully, to sell enough small cars to make the average for their entire fleets comply with the current standard.

Both are capable of turning out large, peppy cars that manage 30 or more miles to the gallon. But that would require expensive, radical retooling. Then why not let consumers buy the cars they want and pay the price at the pump? Because excessive gasoline consumption threatens national security.

Oil is now in glut. Yet American consumption is rising while American production is declining. Eventually, the world oil market will tighten again; the only question is when. Cars designed today for sale in the 1990's will still be on the road at the turn of the century. The gasoline they require will determine the degree of America's dependence on foreign oil suppliers.

Our foreign sources of oil are more diverse than in the 1970's, and our ability to cope with a shortage has probably improved. But even if we manage to avoid a 1979-style shock and the resulting worldwide recession, gas guzzling still would impose enormous costs on the entire nation.

The price of oil is highly sensitive to demand. If world consumption were to grow quickly by, say, 10 percent, prices would skyrocket and, at least for a time, OPEC would be back in the driver's seat. Conversely, if the major oil consuming nations could manage to grow without greatly increasing their oil consumption, their import bills would probably continue to fall for a while.

The ideal way to let these true market forces express themselves is to hold car buyers to account—by taxing gasoline, not the machines that consume it. Some consumers would then drive less. Others would choose smaller cars, or pay a premium for fuel-efficient cars. Still others would wince and pay up. The decision would be theirs; the real costs of their choices would be plain.

But Congress reacts to the idea of a gasoline tax the way 8-year-olds react to brussels sprouts. The awkward but appropriate alter-

native to such a tax is a mileage standard. A fine for the sale of too many high-consumption cars raises their price and forces the consumer to weigh the true cost.

The Administration is right to want commerce to be shaped by the market. But removing the mileage standard without substituting a gas tax is to distort the market and guarantee the wrong result. ●

NOTE

In the RECORD of June 4, 1985, under "Amendments Submitted" a section of the remarks of Mr. WEICKER on the submission of an amendment to the bill S. 408 was inadvertently omitted. The complete text of the remarks is as follows:

Mr. WEICKER. Mr. President, on March 26, 1985, by a vote of 16-3, the Small Business Committee reported out S. 408 authorizing funds for SBA's programs and activities for the next 3 fiscal years. As reported, S. 408 achieves \$851 million in outlay savings over the next 3 fiscal years. The Senate budget resolution, Senate Congressional Resolution 32, reflected a compromise reached by myself, the Republican leadership and the administration requiring the committee to achieve \$2.5 billion in outlay savings in the SBA budget over the next 3 fiscal years.

When S. 408 is considered by the Senate, I intend to offer this amendment in the nature of a substitute to S. 408, to reflect this compromise. This substitute amendment would modify S. 408 to achieve these additional savings in the following manner: First, effective October 1, 1985, farmers would be required to go to Farmers Home Administration (FmHA) for disaster assistance. Second, the small business investment companies (SBIC's) would be required to sell their 100 percent federally guaranteed debentures to the private capital markets rather than the Federal financing bank. This proposal was initially suggested by Senator Boschwitz during markup on the committee bill. Third, the 503 local development program would be reduced from \$450 million to \$200 million in fiscal year 1986 and frozen at that level in fiscal years 1987 and 1988. Fourth, the veterans and handicapped direct loan programs would be reduced by \$5 million in fiscal year 1986 and frozen in the outyears. Finally, the substitute amendment would freeze the Minority Enterprise Small Business Investment Company (MESBIC) Program at \$41 million in fiscal years 1987 and 1988.

Mr. President, I would like to insert at this point in the RECORD a table summarizing the savings achieved by the substitute amendment and a table delineating SBS's loan program levels set forth by this amendment.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7669

TOTAL SAVINGS ACHIEVED BY S. 408, AS AMENDED

(Dollars in millions)

	1986		1987		1988		Outlay 3 years
	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay	
Savings from S. 408, as reported with proposed technical amendments:							
Freeze of salaries and expenses in fiscal year 1986.....	-33	-24	-34	-32	-35	-38	-94
Eliminate bulk of direct loans; freeze guarantee lending; freeze MESBICS in fiscal year 1986.....	-201	-128	-188	-192	-195	-185	-505
Terminate nonphysical disaster.....	0	-59	0	-68	-346	-63	-190
Freeze in fiscal year 1986 the SBIC.....	-9	-9	-10	-8	-9	-5	-22
Freeze in fiscal year 1986 the 503.....	-13	-13	-13	-13	-15	-15	-41
Total savings.....	-256	-233	-246	-314	-600	-306	-853
Additional savings achieved:							
Require Small Business Investment Companies to sell their 100 percent federally guaranteed debentures directly to the private capital markets rather than the Federal Financing Bank.....	-194	-194	-202	-181	-211	-154	-529
Effective Oct. 1, 1985, require farmers to go to FmHA for disaster assistance.....	0	-70	0	-353	-113	-394	817
Reduce 503 program from \$450 million to \$200 million in fiscal year 1986; freeze fiscal years 1987 and 1988; Reduce Handicapped and Veterans direct loan program by \$5 million in fiscal year 1986; freeze program in fiscal years 1987 and 1988.....	-10	-6	-180	-178	-193	-190	-374
Total savings.....	-204	-270	-382	-712	-517	-738	-1,720

BUSINESS LOAN AND INVESTMENT FUND, SMALL BUSINESS ADMINISTRATION, PROGRAM LEVELS

(Dollars in millions)

	Fiscal year 1985 appropriated	S. 408, as amended, program level		
		1986	1987	1988
General business loans.....	\$2,758.0			
Direct and IP.....	108.0	0.0	0.0	0.0
Guaranteed.....	2,650.0	2,650.0	2,766.0	2,882.0
Handicapped loans.....	29.0	0	0	0
Direct and IP.....	24.0	15.0	15.0	15.0
Guaranteed.....	5.0	5.0	5.0	5.0
Economic opportunity loans.....	105.0	0	0	0
Direct and IP.....	45.0	0.0	0.0	0.0
Guaranteed.....	60.0	60.0	63.0	65.0
Energy loans.....	18.0	0	0	0
Direct and IP.....	3.0	0.0	0.0	0.0
Guaranteed.....	15.0	15.0	16.0	16.0
Development company loans.....	455.0	0	0	0
Direct and IP.....	5.0	0.0	0.0	0.0
Guaranteed.....	450.0	200.0	200.0	200.0
Investment company loans.....	312.0	0	0	0
Direct and IP.....	47.0	41.0	41.0	41.0
Guaranteed.....	265.0	250.0	261.0	272.0
Veterans loans.....	25.0	0	0	0
Direct and IP.....	25.0	20.0	20.0	20.0
Guaranteed.....	0.0	0.0	0.0	0.0
Total business loans.....	3,702.0	0	0	0
Direct and IP.....	257.0	76.0	76.0	76.0
Guaranteed.....	3,445.0	3,180.0	3,311.0	3,440.0

Mr. WEICKER. Mr. President, CBO has estimated that \$817 million in outlays will be achieved in fiscal years 1986 through 1988 by requiring farmers to go to FmHA for disaster assistance. This amendment is critical in preventing SBA's Disaster Loan Program from growing out of control as it did in 1978 and 1979 when the program grew from \$200 million to \$2.5 billion primarily due to crop-related disaster lending.

I have long advocated that requiring two separate agencies, SBA and FmHA, to be prepared to handle the same problem area is not a proper use of limited government resources, and affords increased opportunities for waste, abuse and mismanagement. Duplicative farm disaster programs have caused many problems in the past as

has been set forth by the SBA Inspector General, GAO reports and an extensive investigation and hearings by the Senate Small Business Committee.

The problems and needs of farmers should be handled by the Department of Agriculture, and specifically FmHA, which has the expertise in, and the knowledge of, the unique financial and business problems of agricultural enterprises, which SBA does not. With 2,300 field offices nationwide, and experts trained in the needs of farmers, the Department of Agriculture has the resources and special expertise to handle the problems of agricultural enterprises. The Department staff is in excess of 110,000 of which more than 17,000 are employed by FmHA. SBA's staff is less than 4,900 and operates its disaster Lending Program from its central and four regional offices with a core staff of 150 people, which is supplemented when major disasters occur.

The Agriculture Committees will need to resolve how crop related disasters will be handled. They are the committees of jurisdiction which have the expertise in this area. As chairman of the Small Business Committee, I defer to those committees to render a decision on this matter.

Mr. President, CBO estimates that loan demand for SBA disaster assistance under its current program for each of fiscal years 1986-88 will be:

(In millions of dollars)

	1986	1987	1988
Farm demand.....	529	552	575
Business and home demand.....	381	408	426
Total demand.....	910	960	1,001

CBO's estimated demand far exceeds the statutory ceiling of \$500 million in fiscal year 1986, Public Law 98-270 established for the first time an artificial cap on SBA's Disaster Loan Program as a means of generating paper savings. A statutory cap on the Disaster Loan Program is poor public policy. If businesses or homeowners have suffered loss due to a natural disaster, they should be eligible for disas-

ter assistance regardless of the number of disasters that occur in any 1 year.

Mr. President, if CBO is correct with its estimate of demand, the SBA Disaster Loan Program, as currently constituted, it will be shut down sometime in fiscal year 1986. My amendment would resolve this problem by: First, reducing the demand on the SBA Disaster Program and two, by removing the artificial cap on the program. However, homeowners and businesses would still be able to obtain critical and timely disaster assistance from SBA to cover uninsured losses resulting from natural disasters, such as floods, tornados and hurricanes.

In summary, Mr. President, this amendment achieves substantial savings of \$2.5 billion in the SBA budget over the next 3 years, while at the same time preserves the SBA credit programs so critical to our Nation's small businesses. SBA's management assistance network which operates through small business development centers [SBDC's], service corps of retired executives [SCORE] and small business institute [SBI's] will also continue to exist and provide affordable counseling and training to millions of small businesses throughout the United States. Also, SBA's field structure, advocacy, procurement assistance and special programs designed to assist women entrepreneurs, veterans and minority businesses will remain. I believe it to be a fair compromise which achieves significant savings, responds effectively to our serious budget deficit problem and does so in a way that allows the agency to respond to the diverse needs of the small business community.

S 7670

CONGRESSIONAL RECORD — SENATE

June 6, 1985

AMENDMENTS SUBMITTED

DEPARTMENT OF STATE AUTHORIZATIONS, FISCAL YEARS 1986 and 1987

PROXMIRE (AND OTHERS)
AMENDMENT NO. 270

(Ordered to lie on the table.)

Mr. PROXMIRE (for himself, Mr. HATFIELD) Mr. JOHNSTON, Mr. GORE, Mr. BINGAMAN, Mr. LEVIN, Mr. SIMON, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill (S. 1003) to authorize appropriations for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987; as follows:

On page 31, after line 23, insert the following:

TITLE VI—MISCELLANEOUS
PROVISIONS

POLICY OF CONGRESS REGARDING THE ESTABLISHMENT OF A JOINT COMMISSION OF THE UNITED STATES AND THE SOVIET UNION TO STUDY THE CONSEQUENCES OF NUCLEAR WINTER

SEC. 601. It is the sense of the Congress that the President should propose to the Government of the Soviet Union during any arms control talks held with such Government—

(1) that the United States and the Soviet Union establish a joint commission to study the atmospheric, climatic, environmental, and biological consequences of nuclear explosions, sometimes known as "nuclear winter", and the impact that nuclear winter would have on the national security of both nations;

(2) that the work of such joint commission include the sharing and exchange of information and findings on the nuclear winter phenomena and the conduct of joint research projects that would benefit both nations; and

(3) that at some time after the establishment of the joint commission the other nuclear weapon nations—the United Kingdom, France, and the People's Republic of China—be involved in the work of the joint commission.

DODD (AND OTHERS)
AMENDMENT NO. 271

Mr. DODD (for himself, Mr. PELL, Mr. HARKIN, and Mr. KERRY) proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place in the bill, insert the following new section:

PROTECTION OF UNITED STATES SECURITY INTERESTS IN THE CENTRAL AMERICAN REGION

SEC. 17. (a) The Congress finds and declares that a direct threat to the security interests of the United States in the Central American region would arise from several developments including, but not limited to, the following:

(1) The stationing, installation, or other deployment of nuclear weapons or the delivery systems for such weapons in the Central American region.

(2) The establishment of a foreign military base in the Central American region by the government of a Communist country.

(3) The introduction into the Central American region of any advanced offensive weapons system by the government of a Communist country if such system is more sophisticated than such systems currently in the region.

(b) If any development described in paragraphs (1) through (3) of subsection (a) arises, the Congress intends to act promptly, in accordance with the constitutional processes and treaty commitments of the United States, to protect and defend United States security interests in the Central American region and to approve the use of military force, if necessary, for that purpose.

(c) Notwithstanding any other provision of law, the prohibition contained in section 8066(a) of the Department of Defense Appropriation Act, 1985, as enacted by the Act of October 12, 1984 (Public Law 98-473), which applies to funds available during the fiscal year 1985 to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities shall apply to the same extent and in the same manner with respect to any such funds available during any fiscal year beginning on or after October 1, 1985. For purposes of the application of this subsection, the reference in such section 8066(a) to the fiscal year 1985 shall be deemed to be a reference to the fiscal year in which such funds are available.

(d) There are authorized to be appropriated to the President \$14,000,000 for the fiscal year 1985 to be available only to achieve—

(1) the safe and orderly withdrawal from Nicaragua of all military and paramilitary forces which were supported by the United States before October 12, 1984; and

(2) the relocation of such forces, including members of the immediate families of individuals serving in such forces.

(e)(1) There are authorized to be appropriated to the Secretary of State \$10,000,000 which shall be used only as may be necessary to assist the negotiations sponsored by the Contadora group and to support through peacekeeping and verification activities the implementation of any agreement reached pursuant to such negotiations.

(2) For purposes of paragraph (1), the term "Contadora group" refers to the governments of Colombia, Mexico, Panama, and Venezuela.

(f) Nothing in this Act shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in absence of this Act.

(g) For purposes of this Act—

(1) the term "Central American region" refers to the geographic region containing Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua; and

(2) the term "Communist country" has the same meaning as is given to it by section 620(f) of the Foreign Assistance Act of 1961.

KENNEDY (AND HATFIELD)
AMENDMENT NO. 272

Mr. KENNEDY (for himself and Mr. HATFIELD) proposed an amendment to the bill S. 1003, supra; as follows:

Viz: At the appropriate place in the bill, insert the following sections:

BILATERAL NEGOTIATIONS BETWEEN THE UNITED STATES AND THE GOVERNMENT OF NICARAGUA

SEC. . It is the sense of Congress that the United States should resume bilateral negotiations with the government of Nicaragua.

LIMITATIONS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

SEC. . (a) Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization in this or any other Act may be obligated or expended for the purpose of introducing Armed Forces of the United States into or over the territory or waters of Nicaragua for combat.

(b) As used in this section, the term "combat" means the introduction of Armed Forces of the United States for the purpose of delivering weapons fire upon an enemy.

(c) This section does not apply with respect to an introduction of the Armed Forces of the United States into or over Nicaragua for combat if—

(1) the Congress has declared war; or

(2) the Congress has enacted specific authorization for such introduction, which authorization may be expended in accordance with those expedited procedures set forth in Section 8066 of the Department of Defense Authorizations Act (1985), Public Law 98-473; or

(3) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, provide necessary protection for, the United States Embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

HART AMENDMENT NO. 273

Mr. HART proposed an amendment to the bill S. 1003, supra; as follows:

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS
PROVISIONS

RESTRICTION ON THE INTRODUCTION OF UNITED STATES ARMED FORCES INTO CENTRAL AMERICA

SEC. 601. (a) The Congress finds that—

(1) the Government of Nicaragua has disregarded its commitments to internal pluralism and non-intervention in its neighbors' affairs, and thereby caused grave concern in the United States and among the nations of Central America;

(2) the Government of the United States has placed an economic embargo on Nicaragua and resorted to other economic and political pressures to affect the policies of Nicaragua;

(3) the increasingly frequent presence of American combat troops in Central America for training exercises, particularly in the current, extremely tense atmosphere, does not advance American foreign policy objectives and may lead to military conflicts; and

(4) the Government of the United States should place its first priority on diplomatic initiatives in the conduct of its foreign policy, and such initiatives should precede any use or threat of military force.

(b)(1) No combat units of the Armed Forces of the United States may be sent into the territory, airspace, or waters of Costa Rica, El Salvador, Guatemala, Honduras, or Nicaragua for training exercises or any other purpose after the date of enactment of this Act unless—

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7671

(A) the Congress has authorized the presence of such units in advance by a joint resolution enacted into law; or

(B) the presence of such units is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States.

(2) In either case described in clause (B) of paragraph (1), the President should advise and, to the extent possible, consult in advance with the Congress.

BIDEN (AND OTHERS) AMENDMENT NO. 274

Mr. BIDEN (for himself, Mr. BRADLEY, Mr. SASSER, Mr. GORE, and Mr. COHEN) proposed an amendment, which was subsequently modified, to the bill S. 1003, supra; as follows:

At the end of the bill, add the following new title:

TITLE VI—U.S. POLICY TOWARD NICARAGUA

PROHIBITION ON MILITARY AND PARAMILITARY AID

Sec. 601. The prohibitions contained in section 8066 of Public Law 98-473 and in section 801 of Public Law 98-618 shall remain in full force and effect with respect to all material, financial and training assistance: *Provided, however*, that the assistance authorized by section 602 shall be permitted.

AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

Sec. 602. (a) During fiscal year 1985, and again during fiscal year 1986, not more than \$14,000,000 may be expended for the provision of food, clothing, medicine and other humanitarian assistance to resistance forces which are opposed to the present Government in Nicaragua: *Provided, however*, That—

(1) such assistance is provided in a manner such that the nature and extent of such assistance is independently monitored;

(2) the United States resumes bilateral negotiations with the Government of Nicaragua; and

(3) the Government of Nicaragua and resistance forces which are opposed to the Government of Nicaragua each agree to institute a cease fire.

(b) In the event the Government of Nicaragua refuses to enter into a mutual cease fire as described in subsection (a)(3), or to resume bilateral negotiations with the United States as described in subsection (a)(2), the humanitarian assistance authorized by this section may be provided.

(c) In the event a mutual cease fire described in this section is seriously or substantially violated by resistance forces opposed to the Government of Nicaragua, no humanitarian assistance authorized by this section may thereafter be provided: *Provided, however*, That if the Government of Nicaragua has earlier, and seriously or substantially, violated such cease fire, this prohibition shall not apply.

DISTRIBUTION OF ASSISTANCE

Sec. 603. (a) The \$14,000,000 described in section 602 may be provided only—

(a) by the Department of State;

(b) from funds previously appropriated to the Department of State; and

(c) upon a determination by the Secretary of State that the assistance is necessary to meet the humanitarian needs of resistance forces opposing the Government of Nicaragua.

FORM OF ASSISTANCE

Sec. 604. The assistance described in section 602 may be provided only in the form

of goods and services, and no direct or indirect financial assistance may be provided.

PROHIBITION ON OTHER ASSISTANCE

Sec. 605. No assistance may be provided by the United States to resistance forces opposed to the Government of Nicaragua except as authorized and for the purpose described in section 602, and no funds may be used to provide the assistance authorized in section 602 except as provided in section 603.

SUPPORT FOR CONTADORA NEGOTIATIONS

Sec. 606. (a) It is the sense of the Congress that the United States should encourage and support the efforts of the Contadora nations (Colombia, Mexico, Panama, and Venezuela) to negotiate and conclude an agreement based upon the Contadora Document of Objectives of September 9, 1983.

(b) In the event that less than \$14,000,000 is expended for the humanitarian assistance authorized in section 602, the remainder of such amount and any necessary additional funds may be made available for payment to the Contadora nations for expenses arising from implementation of the agreement described in this section including peacekeeping, verification, and monitoring systems: *Provided, however*, That in the event \$14,000,000 is expended for the humanitarian assistance authorized by section 602, other funds may be made available for payment of such expenses. Any funds made available for the purpose described in this subsection may be provided from funds previously appropriated to the Department of State.

PRESIDENTIAL REPORT TO CONGRESS

Sec. 607. The President shall submit a report to the Congress every 90 days on any activity carried out under this title. Such report shall include a report on the progress of efforts to reach a negotiated settlement as set forth in section 602 and 606, a detailed accounting of the disbursement of humanitarian assistance, and steps taken by the democratic resistance toward the objectives described in section 611.

SUSPENSION OF EMBARGO AGAINST NICARAGUA

Sec. 608. The national emergency declared in the President's executive order of May 1, 1985, prohibiting trade and certain other transactions involving Nicaragua, shall be terminated, and the prohibitions contained in that executive order shall be suspended, if the Government of Nicaragua enters into a cease-fire and negotiations with opposition forces.

UNITED STATES MILITARY MANEUVERS NEAR NICARAGUA

Sec. 609. It is the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a cease fire, to open a dialogue with the democratic resistance, and to suspend the state of emergency.

FUTURE LOGISTICAL AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

Sec. 610. The President may request the Congress to authorize additional logistical assistance for resistance forces opposed to the Government of Nicaragua, in such amount as he deems appropriate, including economic sanctions with respect to the Government of Nicaragua, in the event that—

(a) the Government of Nicaragua refuses to resume the bilateral negotiations with the United States, as described in section 602; or

(b) following an agreement between the Government of Nicaragua and the United States to resume the bilateral negotiations which are described in section 602, the Government of Nicaragua refuses to enter into

a mutual cease fire, as described in section 602. A request submitted to the Congress under this section shall be handled by the Congress under the provisions of section 612.

PRECONDITION FOR FUTURE AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

Sec. 611. (a) Congress finds that United States assistance to a Nicaraguan democratic opposition can be justified, and can be effective, only if such opposition truly represents democratic and humanitarian values.

(b) Therefore, Congress shall consider further assistance to the democratic opposition only if such opposition has eliminated from its ranks all persons who have engaged in abuses of human rights.

(c) The President shall submit any future request for assistance for opposition forces only in accompaniment with a detailed certification, which shall be subject to congressional hearings, that opposition has in fact acted effectively to eliminate from its ranks all persons who have engaged in violations of human rights.

EXPEDITED PROCEDURE FOR FUTURE AID REQUESTS

Sec. 612. (a) A joint resolution which is introduced within three calendar days after the Congress receives a Presidential request described in section 610 and which, if enacted, would grant the President the authority to take any or all of the actions described in such section, shall be considered in accordance with procedures contained in section 8066 of Public Law 98-473: *Provided, however*, That—

(i) references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House; and

(ii) amendments to the joint resolution are in order.

(b) This section is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supercedes other rules only to the extent that it is inconsistent with such rules.

(c) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

FUTURE AID TO THE GOVERNMENT OF NICARAGUA

Sec. 613. (a) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, Congress will consider initiating a number of economic and development programs, including but not limited to—

- (1) trade concessions;
- (2) Peace Corps programs;
- (3) technical assistance;
- (4) health services; and
- (5) agricultural and industrial development.

(b) In assessing whether progress is being made toward achieving these goals, Congress will expect, within the context of a regional settlement—

- (1) the removal of foreign military advisers from Nicaragua;
- (2) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies

S 7672

CONGRESSIONAL RECORD — SENATE

June 6, 1985

to rebel forces fighting the democratically-elected government in El Salvador;

(3) restoration of individual liberties, political expression, freedom of worship, and independence of the media; and

(4) progress toward internal reconciliation and a pluralistic democratic system.

**NUNN (AND OTHERS)
AMENDMENT NO. 275**

Mr. NUNN (for himself, Mr. BENTSEN, Mr. BOREN, Mr. CHILES, Mr. JOHNSTON, Mr. DOLE, Mr. LUGAR, Mr. DURENBERGER, Mr. DECONCINI, Mr. NICKLES, Mr. GOLDWATER, Mr. EXON, Mr. STENNIS, Mr. DOMENICI and Mr. MATTINGLY) proposed an amendment to the bill S. 1003, *supra*; as follows:

At the appropriate place in the bill, insert the following new section:

Sec. (a) Notwithstanding section 405 of the International Security & Development Cooperation Act of 1985 as contained in S. 960 (99th Congress, 1st session) or any other provision of law, there is authorized to be appropriated \$24,000,000 for Fiscal Year 1986 to be expended by the President for humanitarian assistance to the Nicaraguan democratic resistance.

(b) Subsections 8066(a) and (b) of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1935), and section 801 of the Intelligence Authorization Act for fiscal year 1985 (Public Law 98-618; 98 Stat. 3304) are hereby repealed, provided however that the funds made available by this section may only be used by the President for humanitarian assistance to the Nicaraguan democratic resistance.

(c) The President shall direct the National Security Council to monitor the use of funds for the purpose authorized in subsections (a) and (b).

(d) Nothing in this section shall be construed to impair or limit in any way the oversight powers of the Congress.

(e) The President is hereby urged and requested—

(1) to pursue vigorously the use of diplomatic and economic measures to resolve the conflict in Nicaragua, including simultaneous negotiations to:

(A) implement the Contadora Document of Objectives of September 8, 1983, and

(B) develop, in close consultation and cooperation with other nations, trade and economic measures to complement the economic sanctions of the United States imposed by the President on May 1, 1985 and to encourage the Government of Nicaragua to take the necessary steps to resolve the conflict.

(2) to suspend the economic sanctions imposed by the President on May 1, 1985 and the United States military maneuvers in Honduras and off the coast of Nicaragua if the Government of Nicaragua agrees (A) to a cease fire, (B) to open a dialogue with all elements of the opposition, including the Nicaraguan democratic resistance, and (C) to suspend the state of emergency in Nicaragua;

(3) to call upon the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

(A) a church-mediated dialogue between the Government of Nicaragua and all ele-

ments of the opposition, including the Nicaraguan democratic resistance, in support of internal reconciliation as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

(f) The President shall submit a report to the Congress 90 days after the enactment of this act, and every 90 days thereafter, on any actions taken to carry out subsections (a) and (b). Each such report shall include (1) a detailed statement of the progress made, if any, in reaching a negotiated settlement referred to in subsection (e)(1), (2) a detailed accounting of the disbursements made to provide humanitarian assistance with the funds referred to in subsection (a) and (b), and (3) a statement of the steps taken by the Nicaraguan democratic resistance to comply with the request referred to in subsection (e)(3).

(g) As used in this section, the term "humanitarian assistance" means the provision of food, clothing, medicine, other humanitarian assistance, and transportation associated with the delivery of such assistance. Such term does not include weapons, weapons systems, ammunition, or any other equipment or materiel which is designed, or has as its purpose, to inflict serious bodily harm or death.

(h) Nothing in this section precludes sharing or collecting necessary intelligence information by the United States.

(i)(1) No other materiel assistance may be provided to the Nicaraguan democratic resistance, directly or indirectly, by any agency or instrumentality of the Government of the United States from any funds under its control or otherwise available to it unless an additional request is presented to Congress by the President and then only to the extent it is approved as provided in this section.

(2) If the President determines at any time after the date of the enactment of this act that negotiations based on the Contadora Document of Objectives of September 8, 1983 have failed to produce an agreement, or if other trade and economic measures have failed to resolve the conflict in Central America, the President may request the Congress to authorize additional assistance for the Nicaraguan democratic resistance in such amount and of such a nature as the President considers appropriate. The President shall include in any such request a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(j)(1) A joint resolution which is introduced within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (i) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (i) shall be considered in accordance with procedures continued in paragraph (3) through (7) of subsection (c) of section 8066 of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1935), except that—

(A) references in such paragraphs to the Committee on Appropriations of the Senate the House of Representatives shall be deemed to be references to the appropriate committee or committees of the Senate and the House of Representatives, respectively; and

(B) amendments to the joint resolution are in order.

(2) This Section is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as related to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

**IMPROVEMENTS TO RIVERS AND
HARBORS**

**LAUTENBERG (AND OTHERS)
AMENDMENT NO. 276**

(Ordered referred to the Committee on Environment and Public Works.)

Mr. LAUTENBERG (for himself, Mr. MOYNIHAN, Mr. BRADLEY, and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill (S. 366) to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 88, between lines 19 and 20, insert the following: "(70) Ramapo and Mahwah Rivers, Mahwah, New Jersey and Suffern, New York: Report of the Chief of Engineers dated November 27, 1984 at a total cost of \$5,700,000 (October 1984);"

● Mr. LAUTENBERG. Mr. President, I am today introducing, along with Senators MOYNIHAN, BRADLEY, and D'AMATO, legislation to authorize a flood control project for the Passaic River basin. The problem we seek to address is the overtopping of the channel banks along the Ramapo and Mahwah Rivers at Mahwah, NJ, and Suffern, NY.

A severe flood in November 1977 caused \$4,050,000 in damage. The project we are authorizing will reduce the potential for such damage by modifying the channels of the Ramapo and Mahwah Rivers.

A study of this project was initiated in June 1979. The project has now been reviewed by all State and local agencies and interested parties. The States of New Jersey and New York have indicated that they will serve as the non-Federal sponsors of this project.

The channel modifications for the Ramapo and Mahwah Rivers will cost \$5,700,000. The project has a favorable cost-benefit ratio of 1.7.

Mr. President, the authorization for the Ramapo and Mahwah Rivers project is one of many steps that must be taken to address flooding and the resulting damage and loss of life in the Passaic River basin. Other flood control projects are working their way through the Corps of Engineers proc-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7673

ess. Other Projects include work at Saddle River in Bergen County, NJ; along the Ramapo River in Pompton Lakes, NJ, and at Molly Ann's Brook in the towns of Patterson, Haledon, and Prospect Park, NJ. As these projects receive approval by the Chief of Engineers, I will be seeking their inclusion in water resources legislation.

The projects I have mentioned are called the interim projects in the Passaic River basin. Other more extensive work is needed as well. A long-term solution to flooding in the Passaic River basin including structural and non-structural remedies is currently under study. With the memories of the devastating 1984 flooding in mind, I believe we must face the critical issue of flood control before it happens again.●

DEPARTMENT OF STATE AUTHORIZATIONS, FISCAL YEAR 1986 AND 1987

ROTH AMENDMENT NO. 277

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to the bill S. 1003, supra; as follows:

At the appropriate place in the bill add the following new sections: To prevent the conduct of Espionage activities in the United States by employees of the United Nations.

"Sec. . (a) The Congress finds that—

"(1) Pursuant to the Headquarters Agreement between the United States and the United Nations (authorized by Public Law 80-357, 22 U.S.C. 287, Aug. 4, 1947):

"(A) The United States has accepted the treaty obligation to permit, and to facilitate, persons employed by or who are authorized by the United Nations to conduct official business in connection with the organization or any agency thereof, the right of entry into, and the exit from, the United States subject to regulation as to points of entry and departure, for purposes of conducting official activities within the Headquarters district; and

"(B) An obligation to permit, and to facilitate, acquisition of facilities in order to conduct such activities within or in proximity to the Headquarters District, subject to reasonable regulation, including the location and size of such facilities' and

"(2) Taking into account subsection (1), and consistent with the obligation of the United States to facilitate the functioning of the United Nations, the United States has no additional obligation to permit the conduct of any other activities, including non-official activities, by such persons outside of any area described in this section.

"(b) Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301, et seq.), is amended by adding the following new section:

"Sec. . (a) DEFINITIONS.—For purposes of this Act, 'Headquarters District' shall mean such area, if any, within the United States, agreed to by a public international organization and the United States to constitute such a District, together with such areas as the Secretary of State may approve from time to time in order to permit effective functioning of the Organization or Missions thereto;

"(b) The conduct of any activities, or the acquisition of any benefits as defined by P.L. 80-357, by any person described in sub-

section (a)(1)(A), or any person or agency acting on behalf thereto, outside an area described in that subsection may be permitted or denied or subject to reasonable regulation as determined to be in the best interests of the United States and pursuant to the provisions of P.L. 80-357.

"(c) The Secretary of State shall report to the Congress not later than thirty days after the date of enactment of this Section as to plans for implementation of its provisions, and shall report not later than six (6) months thereafter as to action taken pursuant thereto.

"(d) The Secretary of State is directed to apply to employees of the United Nations Secretariat who are nationals of a foreign country any and all terms, limitations, restrictions, or conditions applicable to individuals pursuant to this Title as may from time to time be applied to members of the consulate, embassy, or mission to the United Nations of this country in the United States, pursuant to this Title.

"(e) Nothing in this section shall apply to any United States national."

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE HANDICAPPED

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on the Handicapped of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, June 6, to mark up S. 415 to clarify the intent of Congress to protect the educational rights of handicapped children, and S. 974, to provide for protection and advocacy for mentally ill persons.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATURAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Natural Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 6, to hold an oversight hearing on the impact of coal imports on the domestic coal industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 6, 1985, in closed executive session, to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE ARC

● Mr. SARBANES. Mr. President, this year marks the 20th anniversary of the passage of the Appalachian Development Act of 1965, which authorized a broad spectrum of economic development programs for 397 counties in 13

States. President John F. Kennedy became interested in establishing the Appalachian Regional Commission in the early 1960's after a conversation with Maryland's Gov. J. Millard Tawes regarding the great need for an areawide economic development strategy. Contrary to the views held in the current administration about the effectiveness of the ARC's programs and the need for their extension, there is strong evidence that the ARC's programs have made a difference in the area's economic development and are still essential.

I have seen what the ARC has achieved in the three western counties of Maryland—Washington, Allegany, and Garrett Counties, and I have strongly supported its extension. I do not think that any counties have used ARC highway and economic development programs more skillfully than these three jurisdictions. Communities which could not otherwise afford to install badly needed water and sewer systems essential to economic development and attracting industry and permanent jobs have been able to do so with the ARC's assistance. Rail and road connections to industrial parks were developed using ARC funds. Important health and child nutrition programs were funded through the ARC.

Mr. President, an article by Doris Deaken in the Baltimore Sun on June 4, 1985, outlines the importance of the Appalachian Regional Commission and its impact. I ask that it be printed in the RECORD.

The article follows:

[From the Baltimore Sun, June 4, 1985]

APPALACHIA WITHOUT THE ARC

(By Doris Deakin)

WASHINGTON.—Campaigning in West Virginia in 1960, John F. Kennedy saw Appalachia, saw the poverty of it. "He had never expected to find anything like this in the United States" historian Arthur M. Schlesinger, Jr., has written, "... hungry, hollow-eyed children, dispirited families ... gray, dismal towns, despair."

Twice—in 1902 and again in 1935—teams of federal experts had studied the region's problems. When it came to remedial action, both teams advised the White House the task was too great. But President Kennedy was determined to do something. The eventual result was the Appalachian Regional Commission, created by Congress in 1965 with support from both parties. There was, in those days, a national commitment to help the country's weakest region.

This year, President Reagan is proposing to abolish the commission.

Why should we be concerned? The times are not for sentimental talk. After all, the focus in the real world is on the bottom line.

What is the bottom line for the ARC? Part of it, at least, is that this commission actually did what teams of federal experts in the past had said could not be done: It penetrated the barrier between Appalachia and economic prosperity.

There is an irony here. The commission managed to stimulate precisely the kind of economic growth that Mr. Reagan says is essential to reducing the nation's massive federal deficit.

S 7674

CONGRESSIONAL RECORD — SENATE

June 6, 1985

In the mid-1960s, there was no economic growth in Appalachia. Few tax revenues flowed to Washington from those isolated hills. The movement of money was the other way. The federal dole kept the region alive. In 1963, author Harry Caudill described central Appalachia as approaching "a day when perhaps 80 percent of its inhabitants will be welfare recipients."

The ARC turned the situation around. Figures show the effect it had. In Appalachia between 1960 and 1980:

Per capita income rose from \$1,438 to \$6,211.

Two million new private-sector jobs were created.

Poverty dropped from 31 percent of the region's residents to 14 percent. (Poverty in the nation fell to 12.4 percent.)

As the Sun said editorially: "Any society committed to protecting its citizens against sickness, poverty and ignorance should be happy with the commission's achievements."

What has the Appalachian Regional Commission actually done? Two things, mainly:

It helped finance projects that otherwise would not have been undertaken, projects essential to the economic growth of the whole region. The ARC did not foot the entire bill. Its outlays (except for roads) were small percentages of total project costs.

The ARC built infrastructure—roads, sewers, water systems. Appalachia lacked all three. One reason industry hadn't come to the hills was that it couldn't get there. The interstate highway system mainly bypassed Appalachia. The ARC spent a total of about \$5 billion, \$3 billion of it for roads. By 1981, the new roads had brought in an estimated 430,000 new jobs.

In the 1950s and 1960s, there was an immense emigration from Appalachia. In the 1970s, the trend was reversed. Partly, it was a return of natives. But it included a new breed of migrant, city people fed up with urban problems. After the ARC began building roads, a tourist industry grew in Appalachia. It's booming.

Lack of resources is not Appalachia's shortcoming. It has plenty. Coal, for instance—some 113.3 trillion short tons. Inaccessibility, not resources, is Appalachia's main problem. Tough geography makes it a special case. Its population is sparse and spread over rugged terrain. To bring people and jobs together is difficult and costly.

By 1980, it was clear the Appalachian Regional Commission had done something. The region's per capital income had gone up to 85 percent of the national average; it had been 78 percent in 1960. This is Reagan-style economic growth. But when the Appalachian Regional Commission goes out of business, who will build the infrastructure crucial to continued growth? If no one does, the region will slip backward.

Perhaps private industry will fill the gap. Do not hold your breath.●

THE TEENAGE PREGNANCY CRISIS

● Mr. CHAFEE. Mr. President, the recent attention focused by the media on the problem of teenage pregnancy serves as an inviting challenge to all of us to find effective ways to address one of our Nation's most distressing social issues.

Teenage pregnancy is rising at an alarming rate in the United States. Teenagers account for more than a half million births each year, and the consequences are tragic.

Teen mothers face a dismal future of lower educational attainment, diminishing employment prospects, repeated pregnancies, and a high probability of welfare dependence. Babies born to teenaged mothers are at an increased risk of low birth weight and consequently at significantly higher risk of death or birth defects.

Children of teenage mothers are substantially more likely to live in poverty than other children. Over half the mothers on welfare had their first child as a teenager.

We all have a responsibility and an obligation to turn the teenage childbearing crisis around. This can be achieved through intensified prevention programs, and new reliable, safe, and convenient methods of birth control. When a teenager decides to carry her pregnancy to term and raise her child, comprehensive services must be made available to ensure that she has every opportunity available to become self-sufficient and independent.

I recently introduced legislation, bill S. 1091, which will provide additional support to the National Institutes of Health to develop new, safer, and more convenient methods of birth control. New methods of contraception will reduce the incidence of unplanned teenage pregnancies.

For those teenage mothers who carry their pregnancy to term and parent their children, I have also introduced legislation designed to provide comprehensive services to both the teen mother and her child. This bill, S. 938, will provide grants to public and nonprofit private entities to support services, such as—prenatal and postpartum care, well-child care, family planning, and counseling services. These are all necessary services to promote successful outcomes of teenage childbearing.

A recent article in the Washington Post clearly depicts the seriousness of teenage childbearing. The tragedy of teenage pregnancy glares at us through the headline, "Squandered Lives." I ask that this article be repeated in full in the RECORD.

[From the Washington Post Weekly Edition, June 3, 1985]

SQUANDERED LIVES: IT'S TIME TO GET SERIOUS ABOUT THE TEEN PREGNANCY CRISIS
(By Judy Mann)

A quarter of the 6.1 million pregnancies in the United States in 1981 ended in abortion, according to the latest report by the Alan Guttmacher Institute, a research organization affiliated with Planned Parenthood. That's 1.5 million abortions. Much remains to be done to reduce unwanted pregnancies.

White women, who comprise the largest racial group in the nation, accounted for 70 percent of the abortions, or 24 per 1,000 pregnancies. The rate for nonwhite women, however, was more than double that: 56 per 1,000 pregnancies. Females 15 to 19 obtained nearly half a million abortions, according to these data, the latest available.

The Children's Defense Fund, which began a project to prevent teen-age pregnancies in 1983, recently issued data showing the dimensions of the problem in that

age group: Teen-agers are responsible for more than half a million births every year, including 10,000 to children under the age of 15.

"Almost 90 percent of the pregnancies among unwed teens are unintended," the CDF found. "For the over 800,000 teens who faced unintended pregnancies, there were no satisfactory choices or outcomes; 60 percent aborted their pregnancies; virtually all of the remaining 40 percent chose to raise their children themselves, half as single parents."

"The consequences of teen-age pregnancy go beyond personal tragedy. Society pays as well. Over half the mothers on welfare had their first child in adolescence. Thirty percent of all hospital deliveries to adolescents are paid for by Medicaid. Because teen mothers are the least likely to receive prenatal care, their babies are most likely to need expensive hospital care after they are born. Babies born to teens account for 20 percent of all low birthweight infants born each year."

These statistics cry out for a targeted approach to family planning that would reach teen-agers, particularly nonwhites, who already have higher poverty rates and are going to be the most vulnerable to the crippling effects of adolescent motherhood. Their fate could not be more bleak or predictable: Young women who cannot complete their educations cannot get decent jobs that pay enough for child care and cannot support themselves, much less a child. Their futures are behind them.

The CDF report found that while 14 percent of the adolescent population is black, black women account for 28 percent of births by adolescents, and nearly half of all births to unmarried teen-agers. "Eighty-five percent of black single mothers under age 25 live in poverty," the CDF report noted. It said the pregnancy rate among young black women "is a crisis that threatens to cripple economic progress and lock generations of children into poverty."

The CDF report said that the extended family, a support system that used to help young mothers, has changed since the early '50s. The black extended family "today is likely to be a 17-year-old mother and 35-year-old grandmother each with one minimum wage job, if any. The community has lost many of its leaders to the suburbs and now, depleted of role models, confirms rather than counters black youths' fears that life holds little for them. Most important, the adolescent single mother was the exception in the black community of the 1950s. Today, she is the rule."

The abortion and teen-age birth statistics underscore the need for more and better birth control information for young people. While the burden of pregnancy falls most heavily on young women, whether they give birth or have abortions, both young men and young women need to understand the devastating effects of premature childbearing on young women and their children.

Society can continue with a half-baked approach to teaching sex education, and it can continue with its half-baked approach to poverty and minority unemployment. But the result will be a perpetually costly group of mothers who were trapped into poverty as teen-agers and a perpetually high rate of abortions. Or society and its institutions can tackle the causes of teen-age pregnancy by making more and better contraceptive information available and by providing its young people with education, skills and opportunities.

As things stand, society is spending hundreds of millions in various forms of minimal assistance and young women, particu-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7675

larly young black women, are paying with their futures.●

STATE SENATOR DAVE MANNING

● Mr. BAUCUS. Mr. President, when Montana's 49th legislative session adjourned April 25, 1985, it did so without one of its most revered members.

On January 8 of this year, 1 day after gaveling in the new session, State Senator Dave Manning of Hysham, was admitted to the hospital for a persistent back problem.

On January 25, still in the hospital, Dave decided his lawmaking days were over. Poor health, he said, prevented him from serving his constituents properly, and so he reluctantly turned in his resignation.

The 87-year-old Manning had called an end to a tenure that goes into the record books as the Nation's longest for a state legislator. Dave had served 52 continuous years in the Montana statehouse.

Throughout his legislative career, Senator Manning commanded respect and admiration for his uncompromising integrity and honesty.

After he announced his resignation from the State senate, the senate passed a resolution honoring the Senator and his wife, Ruth, for their never-ending commitment to the State of Montana. And in recognition of this, the new highway department headquarters building has been named the Dave Manning Highway Building.

In 1933, after convincing his wife that it would be a good experience, Dave ran for and was elected to a seat in the Montana House of Representatives.

Thus began his long career in Montana lawmaking. He never had a primary opponent; he never lost an election, and he did it as a Democrat in a Republican stronghold.

Dave also won tremendous support from his colleagues gaining many leadership posts including speaker of the house in 1939.

He left the house to enter the senate in 1941, where he served as minority leader in 1951, president pro tempore and the senate's acting president in 1959 and 1963, the Acting Governor under Governors Roy Ayers, J. Hugo Aronson, and Tim Babcock. Dave also served as the chairman of numerous committees.

Dave is a man who could stare strong, national adversity in the eye, and not blink. When the U.S. Supreme Court ruled in 1964 that both houses of the State legislatures had to be apportioned on a one-man, one-vote basis, Dave dug his heels in and stood his ground against the High Court.

He charged that with the little federal systems in the States canceled as a result of the Court ruling, rural representation was being undercut. Dave once told the Billings Gazette that he represents not only people, but land, coal, trees, cattle, and a lifestyle, and

therefore each county, no matter what its population, should have an equal voice in the State senate, similar to the U.S. Senate's composition.

Dave was also instrumental in the development of an alternate form of energy using off-stream storage of floodwaters. The stored floodwaters would be released evenly throughout the year through turbines to generate electricity for Montana.

The project is financed by a portion of the coal severance tax, another piece of legislation for which he was an outspoken supporter.

Getting many of Montana's gravel roads paved was another of Dave's far-reaching projects. In the 1970's, he persuaded the legislature to set aside \$15 million raised by the severance tax levied on coal to help reconstruct the roads affected by the coal industry.

Some Montanans feared the 30 percent severance tax would drive the coal industry out of the State, but Manning thought the contrary, and in fact he once said, according to the Montana Legislative Council, that even if the coal companies did leave, at least they would leave on good roads.

Dave would hit the roads himself once a year to visit Washington, DC, where he met every President since Franklin Roosevelt, usually through arrangements with former Montana Senator Mike Mansfield.

But Dave never sought a seat for himself in Washington as a Congressman, because as he said in the Great Falls Tribune, "I've seen too many that are forgotten after awhile."

I had the privilege, Mr. President, of serving in the Montana Legislature with Senator Manning, and although he has officially retired, I will continue to turn to him for his commonsense advice.

State Senator Dave Manning is one man that will not be forgotten. For all of his years of service, for all that he stood for and fought for, Montana is honored to claim him as her own. January 25, 1985, will be remembered as the day a living legend retired.●

PRESIDENT OF ECUADOR FEBRES CORDERO HONORED BY ALMA MATER—STEVENS INSTITUTE OF TECHNOLOGY

● Mr. BRADLEY. Mr. President, Senator LAUTENBERG and I are pleased to draw our colleagues' attention to the recent remarks made by Ecuador's President Febres Cordero in accepting an honorary degree from his alma mater, Stevens Institute of Technology. President Febres Cordero graduated from Stevens in 1953 at the top of his class.

President Febres Cordero's life exemplifies the value of the sound and challenging education he received at Stevens Institute of Technology. His achievements reflect in part the rigorous preparation and sound values provided by that institution

Mr. President, we ask that the remarks of President Febres Cordero, along with an introduction by Kenneth C. Roger, president of Stevens Institute of Technology, be inserted in the RECORD.

The remarks follow:

INTRODUCTORY REMARKS BY KENNETH C. ROGERS, PRESIDENT OF STEVENS INSTITUTE OF TECHNOLOGY

Mr. Chairman Emeritus of the Board of Trustees, I have the honor to present to you Leon Febres Cordero, Class of 1953.

The yearbook for the Class of 1953 bears a unique dedication. It was neither an inspired teacher nor a beloved counselor who drew the students' admiration. It was rather "the future of mankind." In the students' own words, "We must realize that the future of the world is . . . the responsibility of each and every one of us. The individual holds the power in the palm of his hand and it is up to him to use it."

How prophetic these words were for one member of the class, Leon Febres Cordero, President of the Republic of Ecuador. He is the sole son of Stevens to join that unique fellowship of individuals who hold in their hands the capability of shaping the destiny of our world.

When he was an undergraduate here, Mr. Febres Cordero was known for his intellectual prowess, his enthusiasm and boundless energy, his determination and relentless drive. Combining a rigorous academic schedule and a myriad of extracurricular activities, he graduated with high honor at the top of his class. The personal attributes that led to his success at Stevens have taken him along the path from student to engineer to industrialist to statesman.

Today, as president of Ecuador, facing the greatest challenges of his career, Mr. Febres Cordero can draw upon problem-solving approaches he first mastered at an engineering student at Stevens. With professional engineering credentials that few world leaders possess, he can offer special insight into the complex problems facing mankind. His voice, raised on behalf of the positive results of technological innovation, commands international respect.

Mr. Febres Cordero has stated, "Everything I learned, I learned at Stevens." We thank you, sir, for this most generous endorsement, and in turn, say to you that your extraordinary achievements inspire us all. From Castle Point to the pinnacle of responsibility and power in the Republic of Ecuador, your promise has been so richly fulfilled.

I ask you, Mr. Chairman Emeritus, to confer upon His Excellency Leon Febres Cordero the degree of doctor of engineering, honoris causa.

ACCEPTANCE REMARKS, DOCTOR OF ENGINEERING, HONORIS CAUSA, CONFERRED BY STEVENS INSTITUTE OF TECHNOLOGY ON LEON FEBRES CORDERO

Without any doubt, your gesture has a special connotation for me; not only because of the high honour you are today bestowing upon me, but also and fundamentally because it brings me back to a period of my life which can never be forgotten; a period spent in this institution to which I owe my intellectual formation, most of my knowledge and the basic principles on which I have based the development of my ways of life.

The degree of Doctor Honoris Causa, which you have just granted me, does commit my gratitude to you, who represent, not only an institution of the highest aca-

demic standards, but who also fulfill the spirit of this nation: heroic in the compliance of duty, profound and austere in its obligations, and totally dedicated to the enhancement of science and technology.

In this education environment, I spent a very important part of my life. Here I made everlasting and true friendships, and it was here that I acquired not only a sound education, but also the will to fight for noble causes, the character to overcome obstacles, and the strength not to succumb to negative emotions and passions.

These tools I have used with tenacity, to obtain the trust of a people which has put upon my shoulder the very grave responsibility of conducting its destiny.

In so doing, I have not surrendered my principles, nor have I deviated from my firm convictions. On the contrary, I have presented myself to the people in a frank and authentic fashion; I have spoken with sincerity on the principles of the market economy; I have opposed, without any fear, the demagogic posture of extreme leftist tendencies and statism.

I have spoken about the capabilities of the human being and his free will, of the need to foster the development of a society in which bread, shelter and jobs are available to everyone. I was fortunate to have the favorable response of my country men, to the service of whom I am now totally committed.

The degree with which I have been honoured on this day, I take back to my country with sincere pride and deep satisfaction; and with you I leave the warmest feelings of my people and the permanent gratitude of this alumnus.●

JIM MOLLOY

● Mr. MOYNIHAN. Mr. President, Jim Molloy became Doorkeeper of the House at about the time I was first elected to the Senate. We have worked together nearly a decade now, and during those years I have come to know him as a man of great ability and character.

All of us know Jim Molloy's fine work. His kindness and hospitality during joint sessions and meetings of Congress make our visits to the other Chamber a great pleasure; his dedication, enthusiasm, and easy manner have earned him as many friends here as there.

Mr. President, I ask that the New York Times article "The Keeper of the Door and Other House Parts," be printed in the RECORD.

The article follows:

THE KEEPER OF THE DOOR AND OTHER HOUSE PARTS

(By Martin Tolchin)

WASHINGTON, June 4.—He is a large, rotund man who stands in the rear of the House chamber during joint sessions of Congress and bellows the titles of those entering the chamber, ultimately proclaiming, "Mr. Speaker, the President of the United States."

That is what the world sees and hears of James T. Molloy, who rose from ward politics in Buffalo, N.Y., to defeat William Miller of Mississippi in a vote by the Democratic caucus and become Doorkeeper of the House of Representatives.

He is a gregarious man, with the same zest for local politics as the House Speaker, Thomas P. O'Neill Jr., who recently walked to the House chamber with an arm draped

over the Doorkeeper's shoulder and said to a reporter: "They don't make them any better. He's one of my great friends and a beautiful man."

The Doorkeeper, nominally in charge of keeping order on the floor, oversees more than 400 employees and a budget of \$6.8 million. His jurisdiction includes such seemingly peripheral responsibilities as the House document room, the Office of Photography and a Publications Distribution Service.

"I'm a political creature," Mr. Molloy said in an interview in his tiny office, cluttered with memorabilia. "If something involves politics, it ends up here."

A genial man, Mr. Molloy is nevertheless known to have flashes of temper, which he has occasionally expressed in writing, to his regret.

He recalled the anxiety of his maiden appearance on the House floor when President Ford delivered his first State of the Union address on Jan. 15, 1975. "I don't know who was more nervous," Mr. Molloy said. "Ford wanted to show that he was in charge, and so did I."

Mr. Molloy introduced "the Justices of the Supreme Court" and was gently told by Chief Justice Warren E. Burger that the proper introduction was "the Chief Justice and Associate Justices of the Supreme Court."

HENRY AND THE BOYS

Mr. Molloy also recalled that moments before he introduced "the President's Cabinet," which was lined up outside the chamber, Secretary of State Henry A. Kissinger poked his head inside the door and playfully told him, "Tell the world that Henry and the boys are here."

Mr. Molloy, 48 years old, a third-generation Irish-American, grew up in South Buffalo, which he recalled was "a hotbed of politics."

The son of a firefighter, he worked as a marine firefighter, a teacher and in the District Attorney's office while earning his undergraduate and law degrees.

The turning point in his career, he said, was joining the South Side Democratic Club and being elected its chairman at age 27, "the youngest ward chairman in the city's history." At that time he worked as a loan officer for a local bank, but used an alias, "Mr. Alois," so that his constituents would not recognize their ward leader as the man who was pressing them to pay their bills.

Mr. Molloy became a protégé of Joe Crangle, then as now leader of Buffalo's Democratic organization, who worked with Representative John Rooney, a Brooklyn Democrat, to send Mr. Molloy to Washington. His first job here, in 1969, was as the House's chief disbursing officer. He then served for two years as the House's chief finance officer.

"There were people happy to get me out of Buffalo," Mr. Molloy said.

WE'RE JUST HIRED HELP

In 1974 he mounted his challenge to Mr. Miller, who had held the job for more than two decades. Mr. Molloy and some veteran House members agree that Mr. Miller had developed an independent power base, courted the committee chairmen but largely ignoring the rank and file.

"He forgot that we're just hired help," Mr. Molloy recalled. "It's a service-oriented job."

Carl Albert, who at that time was the Speaker, remained neutral in the vote by the caucus, as did Mr. O'Neill, then the majority leader. Mr. Molloy was also aided by some of the younger, antiwar members and some Southern delegations.

The current consensus is that Mr. Molloy is attentive to members' needs, from an extra ticket to a State of the Union address to appointment of a House page to distribution of a newsletter.

"He tries to make the members' job as pleasant as possible," said Representative Henry J. Nowak of Buffalo, an old friend and ally.

Mr. Molloy's greatest crisis occurred in 1982 with the reports of sexual misconduct and drug abuse involving House and Senate pages.

"I told the Speaker we had to move quickly," Mr. Molloy recalled.

He had previously urged stricter supervision of House pages, high school students who were largely left to their own devices off the House floor. He then successfully argued for conversion of a House office building into a dormitory for pages and for an overhauling of the school where pages attend classes while working in the capital.

CROSSING SWORDS WITH THE PRESS

More recently, Mr. Molloy has crossed swords with the staff of the House press galleries. Although he serves as paymaster of the staff, its control is in the hands of committees of reporters.

After only 15 reporters turned out to hear Garret Fitzgerald, the Irish Prime Minister, Mr. Molloy fired off an angry letter to the press galleries superintendent directing that all 96 seats be filled for a forthcoming visit by President Francois Mitterrand of France. Mr. Molloy now says he regrets sending the letter. But when Mr. Mitterrand appeared, there was standing-room only in the press galleries.

Mr. Molloy has witnessed the dispersion of power in the House, and an increase in the number of younger members.

"You'd think there'd be a lot more camaraderie, but there isn't," he said. "When we used to have late-night sessions, you'd see those small airline whisky bottles in the cloak-room and hear some singing. But now they're all business. They take themselves too seriously."●

COMBAT ON COMMUNIST TERRITORY

● Mr. ARMSTRONG. Mr. President, I would like to bring to the attention of my colleagues an outstanding book entitled "Combat on Communist Territory" by Charles Moser. Perhaps more clearly and more concisely than any other document, this book, published by the Free Congress Foundation, chronicles the actions of freedom fighters throughout the world who are seriously threatening Soviet domination.

I am particularly grateful to the Free Congress Foundation for their courageous work in this field. It is much easier to follow the more popular path which seems to ignore the threat of Soviet expansionism. Instead, the Free Congress Foundation has willingly sponsored outstanding, scholarly works such as "Combat on Communist Territory" which can serve as the basis for a more reasoned approach to encouraging American values and interests.

While I encourage my colleagues to read the entire book, I would particularly like to draw their attention to the chapter on Nicaragua. Literally

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7677

millions of pages have been written on the Nicaraguan situation, but little of the information has been in an understandable, usable, factual format. I believe you will find Mr. Moser's material to be an invaluable tool in better understanding the real aims of the Sandinista government as well as the motivating factors behind the democratic forces in Nicaragua.

I submit the following material for the RECORD:

DEFENDING FREEDOM IN NICARAGUA

(By Jeffrey St. John)

BACKGROUND

The Republic of Nicaragua is the largest of the five Central American nations, with an area of 57,000 square miles; at the same time, it is the least populated, with 2.7 million people. The capital and largest city, Managua (population 450,000), devastated by an earthquake in 1972, is located on the Pacific coast, where most of the population is concentrated. The economy is largely based on the production of agricultural commodities for export (cotton, beef, sugar) as well as on the production of light industrial goods for internal consumption, such as processed foods, beverages, textiles, and clothing.

Although the country lacks major mineral resources, it exports moderate quantities of gold and silver, and it has considerable hydroelectric potential as well as large sections of uncultivated lands.

During the 1970's a sizable shrimp and lobster fishing industry began to develop.

Nicaragua's major trading partners are the United States, Japan, Western Europe, and Central America.

During the 1960's and early 1970's the gross national product and the general standard of living increased sufficiently to make Nicaragua's per-capita GNP the highest in Central America after Costa Rica, and so Nicaragua was classified as a "middle-income" country.

Nicaragua shares with its neighbors a history of civil strife and political instability. Throughout the 19th and the early 20th centuries, geographically-based political factions representing a single, small ruling class competed under a symbolic two-party system in which neither contender was willing to accept an unfavorable outcome. Frequently they achieved victory through the assistance of foreign governments and/or financial interests.

In 1933, when the last American military forces left the country after 20 years of intervention, Anastasio Somoza Garcia seized power to begin more than four decades of domination of Nicaraguan politics by the Somoza dynasty.

By 1977 mounting internal unrest, a new international political climate, and the progressive weakening of the Somoza regime created conditions which eventually led to a general insurrection and the seizure of power by the Frente Sandinista de Liberacion Nacional (FSLN) in July of 1979.

A series of events beginning in August 1978 with the seizure of the National Palace while Congress was in session, followed in September by Sandinista-led insurrections in major provincial capitals, captured the imagination of the people. However, the great majority still hoped for a peaceful solution and backed the moderate Broad Opposition Front (FAO), even after the so-called "Group of Twelve," composed mostly of radicals representing the Sandinistas, abandoned the democratic opposition in an effort to block the mediation undertaken by the U.S. ambassador to Nicaragua. The San-

dinistas loudly opposed any form of peaceful settlement, and even denounced a rumored "coup d'etat" which would have robbed them of their legitimacy, since they could obtain absolute power only from Somoza. At the same time the FSLN in Costa Rica received a constant flow of goods from such countries as Cuba, Venezuela, Mexico, and Panama, while the U.S. turned back two shiploads of arms and ammunition from Israel destined for the beleaguered government forces.

In early June of 1979 the Sandinistas—with full national and international backing—launched a final offensive. At this point the U.S. was willing to force Somoza's resignation. At its initiative the XVII meeting of Consultation of Foreign Ministers of the Organization of American States was convened, and on June 23 adopted an unprecedented proposal calling for:

1. Immediate and definite replacement of the Somoza regime.

2. Installation of a democratic government in Nicaragua to include representatives of the main groups opposing the Somoza regime and reflecting the free will of the people of Nicaragua.

3. Guarantees for the respect of the human rights of all Nicaraguans without exception.

4. Free elections at the earliest possible date to bring about the establishment of an authentically democratic government.

This hemispheric bombshell unquestionably hastened Somoza's departure, which at U.S. request did not occur until July 17.

For their part, however, the Sandinistas did not live up to the agreement, although they consented to do so. In a letter from San Jose, Costa Rica, of July 12 to the Secretary General of the OAS, they pledged themselves to democracy, human rights, and the first free elections in this century for Nicaragua. They also said: "Our premise is that while it is true that the solution to Nicaragua's serious problem is the exclusive competence of the Nicaraguan people, hemispheric solidarity, essential for this plan to take hold, will be accorded in fulfillment of the OAS resolution of June 23, 1979." That undertaking has never been met.

Honduras, Costa Rica, El Salvador and Guatemala, the countries most seriously afflicted by the Sandinista onslaught, with the endorsement of the United States, have taken the first step in reminding the OAS of the duty it accepted in 1979 to the Nicaraguan people and to the entire American continent.

Private sector organizations in Nicaragua, political parties, labor organizations and the Church have made numerous appeals to the Sandinistas to carry out the objectives and respect the principles of the Nicaraguan revolution as originally formulated by the Sandinistas themselves.

THE PARTICULAR CHARACTERISTICS INFLUENCING THE NATURE OF THE ANTI-COMMUNIST STRUGGLE IN NICARAGUA

Bishop Pablo Antonio Vega, newly elected President of the Roman Catholic Episcopal Conference, recently defined the principal characteristic of the anti-communist struggle in Nicaragua when he said: "The tragedy of the Nicaraguan people is that we are living with a totalitarian ideology that no one wants in this country." This helps to explain the widespread support for the freedom fighters, as illustrated in the following quotation from the May 14, 1984 issue of *Time*:

"Over the past year, the civilian population has grown used to the contra presence and now provides a network of assistance. Our patrol carries rations of dried beef, rice, roasted cocoa beans and sugar, but peasants

along the way offer us tortillas, bananas and water. More important, the local campesinos act as couriers and give our patrol intelligence about Sandinista troop movements. On the third and fourth nights of our trek, we are invited to sleep at peasant homes. During the days, we frequently take long rests at farmhouses. The contras chat easily with our hosts, some of whom are their friends and relatives."

The totalitarian way of life the Soviets, Cubans and communist Nicaraguans are trying to impose on the country runs athwart the most important values of the Nicaraguans as revealed in a poll of August 1981 (the last taken before they were outlawed by the government): religion, liberty and private property.

Cubans, estimated to number from 12,000 to 15,000 and perhaps 2,000 citizens from other communist countries had arrived in Nicaragua by the end of 1979 to aid in the radicalization of the revolutionary process. This led to an immediate reaction against the Sandinista betrayal of the objectives of the resolution.

The first to form small units to harass government troops and agents were the peasants and small landowners of northern Nicaragua, protesting against being forced to form agricultural cooperatives and sell their products exclusively to the State. Their armed activities, though limited, brought on repression by the police, and prepared the ground for more organized resistance.

The first significant political and military opposition to the Sandinistas was formed under the leadership of Fernando Chamorro—who remained inside the country after the Sandinista triumph and began organizing an Internal Clandestine Front—and his brother, Edmundo, who remained abroad for a time to begin forming the Nicaraguan Democratic Union (UDN), with an armed branch called the Nicaraguan Revolutionary Armed Forces (FARN). By 1981 UDN was very much in the field against the regime within Nicaragua. In a lengthy press interview of that year Edmundo Chamorro indignantly rejected a question implying that UDN used the same sorts of terrorist, destructive methods the Sandinistas had employed in their drive to power, describing such a strategy as "low-down." At the same time he complained that the anti-Sandinista cause suffered from lack of funds, whereas the communists in their time had obtained "plentiful amounts of money" through such improper means as "stealing, kidnapping, hijacking, extortion and blackmail". Chamorro emphasized that the UDN was waging a "clean war," for a "just, noble and necessary" cause, in a struggle which would ultimately prevail.

With the intensification of Sandinista repression, other political groups came into existence. A leading one among them began to be formed in late 1981 as an amalgamation of several exile organizations which decided to cooperate in the endeavor to overthrow the Nicaraguan regime, which took the name of the Nicaraguan Democratic Force (Fuerza democratica nicaraguense, or FDN). The initial directorate of the FDN was composed of Edgar Chamorro, Enrique Bermudez, Mario Zeledon, Indalecio Rodriguez, Lucia Cardenal Salazar, Alfonso Callejas Deshon, and Adolfo Calero. In December 1982 the FDN published a proclamation calling the Nicaraguans to arms and requesting aid from other hemispheric nations for the institution of a democratic system in Nicaragua.

The political objective of the FDN, according to its statement of principles and objectives, is to "establish a type of govern-

S 7678

CONGRESSIONAL RECORD — SENATE

June 6, 1985

ment in accordance with the western concept of man and society," which incorporates the "essential and fundamental values of the Nicaraguan nationality and Christian culture."

More specifically the FDN calls for "respect for life, liberty and human dignity," as well as family rights; the right of private property and the raising of living standards for all Nicaraguans; freedom of speech and of the press; freedom of association; and the creation of a non-partisan army and national police.

The FDN also believes that it is still possible to achieve the original objectives of the Nicaraguan revolution by peaceful means, and so it is willing to cease all paramilitary operations it has undertaken within the country provided that the Sandinista government, under OAS guarantees, comply with certain conditions designed to restore to the citizens of Nicaragua certain rights they are now denied. These conditions include: a general amnesty; immediate revocation of the National Emergency Law, which in effect imposes a state of siege upon the nation; repatriation of all Nicaraguans, with full guarantees of their rights as citizens; revocation of all laws denying human, civil, and social rights, and the abolition of repressive institutions; an immediate end to religious persecution; expulsion of the "internationalists" who have entered the country, including all those granted Nicaraguan citizenship after July 19, 1979; the creation of a genuine army and impartial national police without affiliation with any political party to replace the present Sandinista army and police; a drastic reduction of the immense inventory of weapons stockpiled by the Sandinista government; the immediate separation of public administration from partisan political activity; the right of free speech and freedom of the press, with the abolition of all forms of censorship and state control and ownership of the media; an end to the persecution of the rural and Miskito population; and the holding of free and honest elections of a National Constitutional Assembly to be supervised by an international organization such as the OAS.

Still another Freedom Fighter organization is the Democratic Revolutionary Alliance (ARDE) under Eden Pastora and Alfonso Robelo, which claims to have more than 4,000 guerrillas under arms and considerable support among the Nicaraguan militia and peasantry. Pastora, known as Commander Zero, is the best-known single leader of the anti-Sandinista forces: he was the most popular guerrilla fighter in the field against Somoza, and was initially a member of the Sandinista government. However, he soon became disillusioned by the direction in which that government was moving and left Nicaragua in 1980. Very recently he was the target of an assassination attempt which U.S. sources are coming to believe was organized by the Nicaraguan government.

The severe Sandinista persecution of Indian groups within the country—such as the Miskito, Suma and Rama Indians in the northeastern portion—has led them to take up arms in self-defense, and to cooperate at least in a limited way with the Nicaraguan insurgents. The Indian resistance falls into two major groups. One is called MISURASATA and is under the leadership of Brooklyn Rivera; it cooperates closely with Pastora's ARDE and operates more in the southern portion of the Indian lands, with bases in Costa Rica. The other group, led by Steadman Fagoth, is called MISURA, and is more loosely connected with the FDN, working out of Honduras to the north. Since the Sandinista response to Indian resistance has been ferocious, the Indians are

motivated to fight with all their energies. On the other hand, their alliance with the anti-communist Nicaraguans is uneasy, since the Indians would make claims for local autonomy against even a democratic Nicaraguan government, as one of their leaders has said: "We want autonomy and self-determination so we can protect our culture, our Indian life, Indian rights. Without Indian determination, our way of life will be dominated by capitalism or marxism. Those are not Indian ways. We have our own ways."

Religious persecution has also swollen the ranks of the rebels and caused second thoughts within many religious organizations once actively supportive of the Sandinistas.

Internal factors contributing to a passive rejection of the Sandinista government which may be transformed into active insurrection as the armed struggle intensifies include violations of human rights, armed repression of the people, increased rationing of food and other necessities, government control of the economy and the gradual elimination of private enterprise. Independent labor unions have also been marked for extinction. Also, the forced induction of teenagers into the army has caused unrest.

The unprecedented Sandinista arms buildup has also greatly disturbed the countries in the region. The ideological commitment of the Sandinistas to the spread of revolution and their funneling of arms to the guerrillas in El Salvador have provoked the opposition of countries outside the region including the United States, with the exception of Mexico. Costa Rica, El Salvador and Honduras have brought heavy diplomatic pressures to bear as well.

POLITICAL AND MILITARY ORGANIZATION OF THE SANDINISTAS

The Sandinista government is modeled on those of Cuba and the Soviet Union; thousands of advisors from those countries specializing in governmental organization poured into the country immediately after the Sandinista victory. It is based on the interplay of three balancing forces: the Party, the Army, and State Security. Each possesses enormous power, but this is offset by the combined strength of the other two.

The nine Commanders of the Revolution have their own areas of authority in the triangular structure, and they check one another through an umbrella organization equivalent to the Soviet Politburo called the National Directorate, which plays a decisive role in all aspects of Nicaraguan life.

At present there is no office of President; in its place there is a governing junta of three—though real power is reserved to the Politburo. The equivalent of the Soviet Parliament—the Council of State—is an organization without real influence. Its President is Carlos Nunez, one of the nine Commanders, but the Council itself is powerless even to propose the enactment of laws. It exists merely for propaganda purposes, to give the impression that Nicaragua enjoys a republican government as understood in the West. In the judicial area there exist people's tribunals staffed by party members without legal training; there is also a Supreme Court whose decisions are totally subject to the will of the Politburo.

As for the executive branch, the Junta is a mere front, since the ministries of state handle the day-to-day business of government. Among the most powerful of these is the Ministry of the Interior, headed by Tomas Borge, one of the nine. The State Security Forces come under this ministry, under the direction of vice-minister Luis Carrion, another of the nine, as do border control, customs, immigration, press censor-

ship. This apparatus includes an estimated 10,000 to 15,000 men and also has a parallel separate army, the border patrol, said to number 5,000. The national police also comes under the control of this ministry.

The Ministry of Defense is headed by Commander Humberto Ortega, Commander-in-Chief of the Army and of the Popular Militia. These two institutions include the bulk of the armed forces: the former is estimated at 45,000 and the latter at 60,000. The Army has its own political and security forces, and runs an important counter-intelligence unit. Ortega's power is partly offset by Borge's. The two are said to have carried on a feud for many years, but it was mitigated by Fidel Castro's intervention in 1978 and has been kept in check by the continued supervision of Castro and the Politburo. This is an important exploitable weakness in the Sandinista apparatus.

The Ministry of Agriculture and Agrarian Reform under another Commander Jaime Wheelock, has no army of its own, but controls the largest working force in the nation. Under it come the agricultural cooperatives and the agricultural workers union, which peasants are compelled to join and which therefore numbers in the tens of thousands. This ministry has carried out the confiscation and outright appropriation of millions of acres of land.

The Ministry of Planning has another Commander at its head, Henry Ruiz, a man so radical that he was once expelled from Patrice Lumumba University in Moscow. This ministry sees to all five and ten year plans; the Central Bank and such ministries as Finance, Foreign and Domestic Commerce, Public Works, and lesser government agencies come under its control. They are all plagued by inefficient, overlapping bureaucracies which have made the entire network unproductive.

The basic population control apparatus, called the Sandinista Defense Committee (CSD), modeled directly on Cuba's Committees for the Defense of the Revolution, is supposed to be formed in every city block and is under the direct supervision of State Security. Through this organization the State Security Forces exercise a great deal of control in most cities, especially in lower middle class and poor neighborhoods, which make up most of the country's population. This network supplies the police with information, and also carries out many smaller policing tasks itself. The heads of the CDS are armed by the State and constituted paramilitary force designed to terrorize the people.

The top authority of the Sandinista government is the National Directorate of the Sandinista Front of National Liberation (FSLN), a tightly closed group made up of the nine self-appointed Commanders of the Revolution. All are hard-core doctrinaire and dedicated communists. All are Nicaraguan born except for Victor Tirado, a Mexican, created a Nicaraguan born citizen by decree. All have been trained in the Soviet Union, Cuba, and the PLO camps of the Middle East.

The members of the Directorate are divided among hawks (who favor a fast pace toward socialism regardless of the consequences) and doves, who incline to take a less confrontational path and are more willing to make tactical compromises.

Ironically, the unity which was so instrumental in the Commanders' rise to power could be an important factor in their downfall. When the chips are down frictions are inevitable. For example, the elections which have been forced on them by national and international pressures have split them deeply. Toma Borge, founder of the FSLN

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7679

and a more charismatic leader, is challenging the Politburo's nomination of Daniel Ortega as president in the "elections" scheduled for November 1984. Xavier Gorostiza, a Basque Jesuit priest and leading Sandinista advisor, has recently said: "My impression is that the internal dynamics of this country don't require us to have elections. The elections are much more for external benefit. They are a symbolic gesture." And indeed, as of June 1984 the civil and political rights of the citizens are suspended by law; there is no freedom of expression or assembly; and even the taking of polls is prohibited by law.

The Sandinista government, ignoring the traditional division of the country into Departments, has divided Nicaragua into Regions and Zones, for both political and military purposes. The Regions cover the populated area of the country, the Pacific side, while the Zones cover the Atlantic side, which is thinly populated, remote, and less important. The Regions have their own municipal governments, while the Zones are governed by delegates of the ruling Junta.

The overall organization of the Sandinista army is as follows. Regions and Zones are independent of each other, but are under the direction of a Chief of Staff from whom all orders emanate, and who in turn is under the Commander-in-Chief of the Popular Sandinista Army. Regional and Zone commanders share authority with three other officers: Political, Special Brigades, and Supplies, who all send in separate reports. This structure is replicated all down the line, from headquarters to detachments. All plans are drawn up jointly with Cuban advisers, but Cubans evaluate them and see to their execution. The foreign press has reported that there are Cubans at detachment level in all operations.

The Militia, by far the most numerous force, comes under the Defense Ministry, but also has a Chief Commander. At each place of work there is a commander, who with the help of union officials forces workers to "volunteer" for the Militia on pain of losing their jobs. Placed in Special Brigades and Reserve Brigades, they are assigned to different Zones and Regions, and thus far have borne the brunt of the fighting. Special Army political troops are always present at their rear to make sure that they engage the enemy.

Both the Militia and the members of the Military Service have suffered serious casualties. They are sent into battle without proper training and with inferior weapons. They have been used as cannon-fodder, and a number have been actually assassinated by the infamous rear-guard troops, who are trained specially to kill.

Besides the Border Patrol, the Ministry of the Interior has special troops called Counter Insurgency Battalions, assigned to the rural areas with large populations. They are equipped with sophisticated weapons and supported with helicopters. Though they do engage the Freedom Fighters, their principal task seems to be the terrorization and annihilation of the civilian population supporting the Freedom Fighters.

MILITARY ORGANIZATION OF THE FREEDOM FORCES

For the purposes of discussion in this chapter, we shall concentrate primarily on the political organization and military experience of the Nicaraguan Democratic Force, or FDN.

The top authority of the Nicaraguan Democratic Force is the National Directorate, comprised of seven members, which operates like the board of a corporation. In October 1983 one of the directors was elected President, and at the same time Chief of

the armed forces. Each of the directors is assigned a specific area of concentration, but overall policy is set by the entire body, which meets at least once a month. However, most of the time four of them are together in the same place in order to take prompt decisions.

The Civic Military Command serves as an executive committee in direct charge of the military campaign. It is comprised of four National Directors. They are in charge of the following areas.

Strategic Command. Directly supervising military operations this is under the command of a former military man who is also a member of the Civic Military Command and the National Directorate. He is assisted by a general staff made up of specialists in their fields, but the commander can only be replaced by another member of the Civic Military Command. Its sections are as follows:

Clandestine internal resistance operates inside Nicaragua as a secret organization made up of small cells which maintain no contact with one another but keep in constant communication with zone commanders. They have the task of coordinating sabotage operations.

Special forces are commando or ranger outfits made up of young men in top physical condition who train constantly for a variety of tasks. Two units of the Special Forces carried out the Pelota Island operation. Others have carried out attacks on Sandinista army bases with such precision as to accomplish their objectives without suffering any casualties.

Schools are conducted for officers who head detachments; seminars are conducted for group commanders, task force commanders, and regional commanders. Training is also provided in arms maintenance and communications. Troops are trained in larger camps; all new recruits are provided a six-week course before being sent into combat, though there are some exceptions to this rule.

Air force is divided into two sections: one for the transport of materials and airdrops, the other for tactical operations and a variety of missions such as aerial photography, rescue operations, reconnaissance, propaganda drops and attack operations.

Operations theater, or tactical command. A commander with a field staff and task force is in charge of coordinating and supervising the regional commands. This group has great mobility, maintains personal and radio contact with the regional commanders, and also participates in operations. This commander reports directly to the Strategic Commander.

The basic unit is the detachment, which numbers from 20 to 30 men. Three or more detachments make up a Group Force; three or more Group Forces constitute a Task Force. Three or more Task Forces form a Regional Command, named after prominent figures in Nicaraguan or Central American history.

Supply Center is devoted to planning, appraising, acquisition, warehousing and distribution of materials provided through the Civic Military Command.

Center for Civilian Services. Driven by Sandinista persecution, thousands of Nicaraguans have fled to neighboring countries. International organizations lack the resources, and sometimes the will, to care for people in the refugee camps in Honduras and Costa Rica; thus the Center for Civilian Services sees to their needs (many volunteers have family members in the camps, in fact). For this and other activities the Center solicits aid from both national and international sources, with considerable success. The Human Rights Section interviews the refugees to record their experiences and

make them known throughout the world. Journalists are given the opportunity to conduct personal interviews with refugees in the camps.

Medical Center. Nearly every detachment includes paramedics to take care of emergency aid. The wounded, depending on the severity of their injuries, are channelled to mobile units, to regional clinics, and to the general hospital, which at times houses up to 150 patients and has a competent staff of physicians. This hospital has received many donations, especially from members of the Cuban and Nicaraguan exile communities in the United States. Cuban doctors resident in the United States make regular trips to the hospital to perform specialized surgical operations.

In sum, what began as a rag-tag force in small rural communities in 1980 has grown into a well-organized force of 10,000 volunteer combatants. With proper equipment and support, that number could double within a few months.

EXAMPLES OF SUCCESSFUL MILITARY OPERATIONS

One of the very first successful operations by the Freedom Fighters was an attack on the Sandinista Army Command post at San Francisco del Norte. It was a well planned and well coordinated attack by two task forces, Zebra and Sagitarius, using precise and last-minute intelligence information. This operation resulted in the deaths of a considerable number of enemy soldiers and the capture of more than 80 weapons, most of them made in Czechoslovakia.

Ambushes are among the most useful guerrilla warfare tactics, in which the heaviest casualties are inflicted upon the Sandinistas with the fewest casualties for the Freedom Fighters. Ambushes have been carried out throughout the areas controlled by the Freedom Fighters, and have such impact on the Sandinistas as to cause them to carry civilians in their military trucks so as to blame their deaths on the Freedom Fighters in case of ambush.

A number of strategic objectives have also been destroyed. For example, on March 13, 1982, the bridges of Ocotal and Somotillo were destroyed by special units operating within a few minutes of each other. At the time the FDN left brochures at the site announcing the initiation of its military operations, which in turn caused the Sandinista regime to declare a state of national emergency which has been in effect since that time. Smaller bridges have been destroyed in the provinces of Nueva Segovia, Jinotega, Esteli, and Matagalpa.

In August of 1982 another very successful military operation took place at Puerto Viejo, in the Iyas Comarca, where the Ministry of Construction had concentrated a great deal of heavy machinery for the construction of a road connecting the province of Zelaya to the Pacific area. A special unit of 26 Freedom Fighters destroyed a total of 62 pieces of heavy equipment with demolition charges. In addition to these, fuel depots, office buildings, barracks and mechanical shops were also demolished.

Although the international press refers to this day to the "border war" of the "contras," a pejorative word coined by the communists, the village of Pantasma, is located 25 kilometers northwest of Jinotega, capital of the province of the same name, and 85 kilometers south of the border between Nicaragua and Honduras—quite in the interior of the country.

A rich agricultural valley 6 by 15 kilometers, Pantasma produces primarily livestock and grain. Most of its 5,000 inhabitants had been forced onto collective farms. Through

S 7680

CONGRESSIONAL RECORD — SENATE

June 6, 1985

regulation of seed, fertilizer, and credit lines, the Sandinista government had established firm control over the population and turned Pantasma into a sort of Potemkin village.

Mike Lima's Diriangen Task Force—named after an Indian chief who fought the Spaniards in the 16th century—was running short of ammunition and other supplies. Natives of Pantasma in his group suggested that the valley would be an excellent place to obtain supplies.

On the evening of October 17, 1983, Mike gathered his force of 500 men in the outlying hills, reviewed final plans, and assigned seven contingents to the same number of objectives, located over a stretch of 4 kilometers, all of them along a road crossing the village from El Charcon, a settlement on the northern tip where 50 Sandinista militiamen were stationed, to the southernmost Central Army Command, a military area of 150 square meters which houses up to 1,000 men but at the time of the attack was defended by 250 men.

After a perfectly coordinated six-hour night march, at daybreak Commander Jimmy Leo with 80 men led the assault on El Charcon, which resulted in 32 enemy dead and 18 escaped, with the capture of 32 AK-47s. The second objective—the Government Development Bank, along with grain storage facilities and other government offices—was taken by Commander Cinco Pinos. Only three of 27 defenders escaped. A substantial sum of money was requisitioned and used later for the purchase of boots and other items from the town's stores. The Freedom Fighters either are given food and other items or purchase them, never taking anything by force.

The State Security Forces had their own headquarters, where Commander Hugo's 40 men overpowered 15 Sandinistas, of whom 11 were killed with some weapons captured. A lumberyard caught fire rather spectacularly during the exchange. Commander Ruben with 80 men was assigned to take the center of the village. Only two Sandinistas were found there guarding the grain store, and were easily disposed of. No civilians were injured at all.

The Sandinista party headquarters was also guarded by troops, but out of 32 only three escaped in a battle which took just an hour.

The Highway Construction Camp, housing over 100 vehicles, tractors and other equipment, manned by Cubans and used for road building and military purposes, was defended by 60 men, of whom 15 were killed while the rest fled in confusion. Most of the equipment was destroyed as a means of curtailing the enemy's mobility.

The Army Central Headquarters, located in Estancia Cora, a farm and the base for Battalion 3644, which at times houses up to 1,000 men, was defended by 250 men, as our intelligence had reported. It had three lines of defense consisting of trenches, sandbags and turrets. Commander Douglas led the attack with 150 crack troops equipped with support weapons. The assault on the base camp at dawn met with fierce resistance, and the battle, with reinforcements arriving for the Freedom Fighters as other objectives were cleared, continued until 3 p.m., when the ammunition depot exploded after being hit with a grenade. That threw the enemy forces into disarray. When the Freedom Fighters overran the camp, 50 of the enemy were killed and the rest fled to the hills.

Enemy reinforcements of 250 men were beaten back at 5 p.m. through an ambush on the outskirts of town organized by Jimmy Leo after accomplishing his primary objective. At the beginning of the entire en-

counter Mike Lima had obtained a Nissan public bus for himself and drove it back and forth between the lines, directing the entire operation.

In this entire assault the Freedom Fighters lost only 8 men killed and 5 wounded, capturing 110 AK-47s, 87 Czech BZ, and 30,000 rounds of ammunition. They also reequipped themselves with items purchased from the local stores, mingled with the population, and—most important—recruited 114 new volunteers.

The special forces of the Freedom Fighters have carried out numerous operations which depended primarily on good intelligence and the element of surprise. Examples are the blowing up of petroleum storage tanks in the port of Corinto on October 10, 1983, and the destruction of the crude intake pipe offshore in Puerto Tamarindo (Sandino) a month earlier.

The special forces also carried out the mining of Nicaraguan ports without suffering any casualties, but this activity has been discontinued for political reasons.

UNSUCCESSFUL MILITARY OPERATIONS AND THE CAUSES OF THEIR FAILURE

Occupation of the town of Jalapa

By November 20, 1982, the FDN had several detachments in the community of Yumpali. By this date the different detachments had spent four consecutive days since November 16 in one relatively small area located about 15 kilometers from Jalapa. This meant that the EPS had had sufficient time to gather information about FDN movements and to send troops to the area.

Contact was first made with the enemy on November 23, seven days after the first Detachment had arrived at Yumpali, so the EPS had the information it needed to seek to cut off the force and try to annihilate it. Still, the Freedom Fighters lost no troops that day, while the EPS lost three. By this time it would have been wiser to have besieged Jalapa, which was the chief objective in any case. That same day the Freedom Fighters relocated from Yumpali to the command post formed at La Providencia, but by this time the Sandinistas had a superior logistical channel to the front line in addition to outnumbering the Freedom Fighters by at least 11 to 1. They also had an unconfirmed number of artillery pieces in action and the support of the air force.

The main cause of the failure of this operation lay in deficient planning and initiative. Since FDN troops had spent too much time in the area, the Sandinistas were able to seize the initiative after the first day of combat.

Assault on the 'La Laguna' Tank Battalion

The main objective of this operation was to position explosive charges over the fuel tanks of Soviet-built T-54 tanks and thus lower the morale of the EPS troops through the knowledge that an armored unit had been hit.

The first attempt occurred around June 1983, but was aborted by the commanding officer of the special unit since he could not determine whether the tanks were present. A reconnaissance mission carried out by the same officer was not very successful, and therefore the information available on the 'La Laguna' installation was not accurate.

The second attempt occurred around October 1983. The new commanding officer and his men had been much better trained than had the first unit; but when they reached the objective they were fired upon by the enemy, who were expecting them. The cause of the failure here may have been reliance on old information obtained four months before.

Occupation of the city of Ocotal

Operation Marathon was launched in September 1983, the largest operation in terms of manpower undertaken to that time. The main objective was the capture of the city of Ocotal and the conducting of a psychological warfare propaganda campaign there. Plans included the takeover of an Ocotal radio station and the broadcasting of a pre-recorded cassette calling for a mass concentration in the town's central plaza.

The operational plan envisioned the cutting off of the four access roads to Ocotal by several Task Forces while another Task Force took the town itself. The military operation was well conceived, but it lacked precise and up-to-date information on the number and location of enemy troops, which engaged in heavy fighting with the Freedom Fighters on the outskirts of town and prevented them from seizing it. Another cause of the failure was the complete absence of coordination between the Operational Theater Field Commander and the various Task Forces.

Assault on Potosi

In October 1983 an assault on the Port of Potosi was to be executed by a Special Forces team. Though the operation was well conceived and well rehearsed, it failed in its objective of seizing Potosi and destroying its installations and pier. No reconnaissance mission had been sent out in advance to gather precise information, and our team was surprised when it landed on the beach.

The few failures of the Freedom Fighters, in sum, have resulted from one and the same error: they forget they are trained for guerrilla warfare and fall into conventional tactics.

COORDINATION OF POLITICAL PROPAGANDA WITH MILITARY ACTION

Communications Center

The Communications Center is headed by one of the seven members of the FDN National Directorate. The propaganda and publicity campaigns carried out by the Center are aimed at various population groups ranging from the Sandinistas most ideologically committed to international communism to the FDN's most fervent supporters. One of the most important objectives of the Center is to broadcast information about the various military operations which take place all over the country in order to create conditions for a popular insurrection against the Marxist regime in Nicaragua.

The Communications Center conducts what is known in modern parlance as "psychological warfare." For this purpose the Communications Center has been divided into several departments with specific tasks.

The Information Department keeps in close touch with the military area, as does the clandestine radio "15 de Septiembre," the official voice of the FDN. Created just a year ago, this department is in charge of writing the news and other information to be broadcast on the radio, using various propaganda approaches to appeal to the different sectors of the population as determined by the department's staff. These approaches change from time to time; and are also affected by the responses of the target audiences to the campaigns which have already been conducted. This department has the task of portraying military actions along with parallel psychological campaigns which vary along with the types of military operations planned by the FDN. Effective coordination between this department and the military section is of vital significance for the success of the overall effort.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7681

Radio '15 de Septiembre'

From humble beginnings, when it was run by a few young university students with minimal resources, the "15 de Septiembre" radio station has established itself as the first nationalistic insurgent voice against the communist occupation of Nicaragua. It is now the official voice of the FDN.

This radio station, operated clandestinely from within Nicaragua, fulfills two essential functions. Inside Nicaragua it is not only a source of information, but also a symbol of liberation: every day it penetrates the barrier of communist censorship. In the international area, the radio has steadily established itself as a reliable source of information, with excerpts from its broadcasts retransmitted on commercial radio stations of Central America. In short, this radio station serves as one of the principal channels for the distribution of the FDN political line.

Publications Department

The publications distributed by this department enable readers not only to understand the nature of the struggle, but to identify as well those in Nicaragua who have taken up arms against the Sandinista dictatorship.

The chief publications are a *News Bulletin* and the official monthly magazine *Comando*. The weekly *News Bulletin* contains details of the military confrontations within the country and denounces the crimes against the Nicaraguan people committed by the Sandinista Popular Army and State Security Forces. Inside Nicaragua these publications are distributed by the Freedom Fighters themselves; internationally they are circulated to diplomats, political leaders, unions, universities, and newspapers, as well as, of course, the Nicaraguan exile community.

The Publications Department also prints leaflets of which more than a million have been dropped all over the territory of Nicaragua, denouncing the atrocities of the Sandinista dictatorship, the presence of foreign troops within the country, and providing evidence of the support of the Nicaraguan people for the FDN.

Political Education

This department has the responsibility for "face-to-face" political education through personal communication between the Freedom Fighters and the population, which provides quicker and more lasting results. The Political Education Department is closely linked to all the other departments of the Communications Center, and especially to Publications, which sees to publishing small texts serving as guides for the FDN Freedom Fighters in their propaganda work. A text entitled *El Libro Azul y Blanco* (The Blue and White Book), after the colors of the national flag, has been issued to in-

struct FDN supporters on the principles of democracy and the objectives of their struggle in order to prepare them to transmit this knowledge to the Nicaraguan population at large.

Public Relations

The Public Relations Department has the responsibility of transmitting to the international press, diplomats, political leaders and others the true image of the movement. It handles public relations with governments, international organizations, humanitarian groups, political parties, etc., including groups carrying out active or passive civil resistance inside Nicaragua. It also has a parallel plan of penetration to create sympathy and support from these entities for the political objectives of the FDN. This department also includes several Regional Committees in the Central American area.●

REFORM OF THE SENATE

● Mr. QUAYLE. Mr. President, it was just 1 year ago today that the Senate passed a resolution establishing the Temporary Select Committee to Study the Senate Committee System. Such anniversaries are useful occasions. They enable us to congratulate ourselves on accomplishments and to examine the prospects for the future in the light of the past.

On one-half of that year I look back with a feeling of pride and accomplishment. I am proud that members of the committee selected me as their chairman; I am proud that we issued a unanimous report; and it is a true accomplishment that 12 Members of the Senate of diverse ideological backgrounds recognized that the needs of the institution must prevail over their individual interests and united in calling for meaningful reform both of the committees of the Senate and of its floor procedures. Let me add that the call for reform was not limited to members of the Select Committee; Senator after Senator expressed both publicly and in private the need to reform the institution of the Senate if it is to regain its rightful place as the world's greatest deliberative body.

My feelings about the second half of this year are somewhat different. On the first day of this Congress, I introduced, together with Senator FORN, the cochairman of the Select Committee, resolutions which would have amended the Senate rules in accord-

ance with the report of the Select Committee. Those resolutions were referred to the Rules Committee and they are still pending there.

Let me hasten to add that the record of the last 6 months is not entirely negative. We have made considerable progress in reversing the growth in the number of committee and subcommittee assignments and in the number of subcommittees. The number of "A" committee assignments has declined from 231 in the last Congress to 214 in this one—reversing a long-term growth rate. We all owe a debt of gratitude to the Senator from Georgia, Mr. MARTINGLY, who, as chairman of the Republican Committee on Committees, did yeoman work in implementing this reduction.

Just as significant, the total number of subcommittees of standing committees has been reduced to 88 from the 102 of the 98th Congress, the lowest number of such subcommittees since the early 1960's. Senators now serve on an average of 10.75 committees and subcommittees, a significant reduction from 11.95 of the last Congress. I ask that a series of tables prepared by the Congressional Research Service documenting these numbers be printed in the RECORD at the conclusion of my remarks.

I also hasten to add that the Committee on Rules has reported a resolution to establish a committee to study and report on a 2-year budget, as recommended by the Temporary Select Committee, and I particularly commend the Senator from Washington, Mr. EVANS, for his unremitting efforts to get action on this issue.

Despite these positive results, I must admit that the pace of progress has been glacial and that the prospects for meaningful action in this Congress becomes ever more remote. I remind my colleagues of the closing days of the last Congress, and I repeat the truism that the time to enact reforms is not when we are paralyzed by filibusters on nongermane amendments on the continuing resolution. The time for reform is before we tie ourselves in procedural knots—and that time is fast disappearing.

The tables follow:

TABLE 1.—U.S. SENATE, NUMBER OF COMMITTEES AND THEIR SUBCOMMITTEES: 1945–1986

Congress	Standing committees		Select and special committees		Joint committees		Total p3 res
	No. 1	No. of subcommittees 1	No. 2	No. of subcommittees 2	No. 2	No. of subcommittees 2	
79 (1945–46).....	33	57	7	10	6	NA	NA
80 (1947–48).....	15	61	3	NA	6	NA	NA
81 (1949–50).....	15	63	2	NA	10	NA	NA
82 (1951–52).....	15	65	3	NA	9	NA	NA
83 (1953–54).....	15	66	1	NA	10	NA	NA
84 (1955–56).....	15	67	5	NA	11	NA	NA
85 (1957–58).....	16	85	4	4	9	11	NA
86 (1959–60).....	16	87	5	4	12	12	130
87 (1961–62).....	16	88	2	0	12	8	128
88 (1963–64).....	16	85	3	6	11	6	129
89 (1965–66).....	16	92	3	6	11	13	134
90 (1967–68).....	16	98	5	12	11	14	157
91 (1969–70).....	16	101	5	12	10	15	157
92 (1971–72).....	17	115	5	13	8	15	173
93 (1973–74).....	18	127	7	13	9	16	190
94 (1975–76).....	18	122	6	13	7	14	180
95 (1977–78).....	15	96	6	12	4	5	138
96 (1979–80).....	15	90	5	10	4	5	129

S 7682

CONGRESSIONAL RECORD — SENATE

June 6, 1985

TABLE 1.—U.S. SENATE, NUMBER OF COMMITTEES AND THEIR SUBCOMMITTEES: 1945-1986—Continued

Congress	Standing committees		Select and special committees		Joint committees		Total panels
	No. ¹	No. of subcommittees ¹	No. ²	No. of subcommittees ²	No. ²	No. of subcommittees ²	
97 (1981-82).....	16	101	5	4	4	6	136
98 (1983-84).....	16	102	5	4	4	6	137
99 (1985-86).....	16	88	5	4	4	6	123

¹ Source: Unless otherwise noted, data are compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure and Assignments: House and Senate. Report No. 82-42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77.

² Sources: Unless otherwise noted, data are compiled from Brownson, Congressional Staff Directory; Congressional Quarterly, Congressional Quarterly Almanac and CQ Weekly Report; and West Publishing Co., U.S. Code Congressional and Administrative News.

³ U.S. Congress, Joint Committee on the Organization of Congress. Hearings, 79th Cong., 1st sess., March 13-June 29, 1945. Washington, U.S. Government Printing Office, 1945. p. 1041.

⁴ This information is not readily available.

⁵ Includes one three-member Ad Hoc Working Group of the Select Committee on Intelligence.

TABLE 2.—U.S. SENATE, COMMITTEE ASSIGNMENTS: 1945-1986

Congress	Total number of assignments					Mean number of committee assignments				
	Standing committees ¹	Subcommittees of standing committees ¹	Select, special and joint committees ²	Subcommittees of select, special and joint committees ²	Total	Standing committees	Subcommittees of standing committees	Select, special and joint committees	Subcommittees of select, special and joint committees	Total panels
79 (1945-46).....	^a 489	^a 437	98	⁴ NA	NA	5.09	4.55	1.02	NA	NA
80 (1947-48).....	201	326	62	NA	NA	2.09	3.40	.65	NA	NA
81 (1949-50).....	203	313	62	NA	NA	2.12	3.26	.62	NA	NA
82 (1951-52).....	203	332	67	NA	NA	2.12	3.46	.70	NA	NA
83 (1953-54).....	211	373	63	NA	NA	2.20	3.89	.66	NA	NA
84 (1955-56).....	212	514	100	48	874	2.21	5.35	1.04	0.50	9.10
85 (1957-58).....	228	530	98	36	892	2.38	5.52	1.02	.38	9.29
86 (1959-60).....	250	631	116	66	1,063	2.50	6.31	1.16	.66	10.63
87 (1961-62).....	240	636	95	59	1,030	2.40	6.36	.95	.59	10.30
88 (1963-64).....	256	660	101	86	1,103	2.56	6.60	1.01	.86	11.03
89 (1965-66).....	250	727	101	154	1,232	2.50	7.27	1.01	1.54	12.32
90 (1967-68).....	252	752	120	165	1,289	2.52	7.52	1.20	1.65	12.89
91 (1969-70).....	245	797	110	184	1,336	2.45	7.97	1.10	1.84	13.36
92 (1971-72).....	247	895	124	197	1,463	2.47	8.95	1.24	1.97	14.63
93 (1973-74).....	258	946	148	217	1,569	2.58	9.46	1.48	2.17	15.69
94 (1975-76).....	240	969	120	228	1,557	2.40	9.69	1.20	2.28	15.57
95 (1977-78).....	243	658	84	69	1,054	2.43	6.58	.84	.69	10.54
96 (1979-80).....	252	668	78	76	1,074	2.52	6.68	.78	.76	10.74
97 (1981-82).....	282	693	76	68	1,119	2.82	6.93	.76	.68	11.19
98 (1983-84).....	^a 295	771	80	49	1,195	2.95	7.71	.80	.49	11.95
99 (1985-86).....	282	672	74	47	1,075	2.82	6.72	.74	.47	10.75

¹ Source: Unless otherwise noted, data is compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure and Assignments: House and Senate. Report No. 82-42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77.

² Sources: Unless otherwise noted, data is compiled from Brownson, Congressional Staff Director; Congressional Quarterly, Congressional Quarterly Almanac and CQ Weekly Report; and West Publishing Co., U.S. Code Congressional and Administrative News.

³ U.S. Congress, Joint Committee on the Organization of Congress. Hearings, 79th Cong., 1st sess., March 13-June 29, 1945. Washington, U.S. Government Printing Office, 1945. pp. 1040-1041.

⁴ This information is not readily available.

⁵ U.S. Congress. Senate. United States Senate Telephone Directory, May, 1984. Senate Publication 98-21, 98th Cong., 2nd Sess. Washington, U.S. Government Printing Office, 1984. pp. 77-120.

TABLE 3.—AVERAGE SIZE OF SENATE STANDING COMMITTEES AND THEIR SUBCOMMITTEES: 1945-1986

Congress	Standing committees	Subcommittees of standing committees
79 (1945-46).....	14.9	7.7
80 (1947-48).....	13.4	5.3
81 (1949-50).....	13.5	5.0
82 (1951-52).....	13.5	5.1
83 (1953-54).....	14.1	5.7
84 (1955-56).....	14.1	5.9
85 (1957-58).....	14.3	6.2
86 (1959-60).....	15.6	7.3
87 (1961-62).....	15.0	7.2
88 (1963-64).....	16.0	7.8
89 (1965-66).....	15.6	7.9
90 (1967-68).....	15.8	7.7
91 (1969-70).....	15.3	7.9
92 (1971-72).....	14.5	7.8
93 (1973-74).....	14.3	7.5
94 (1975-76).....	14.2	7.9
95 (1977-78).....	16.2	6.9
96 (1979-80).....	16.8	7.4
97 (1981-82).....	17.6	6.9
98 (1983-84).....	18.4	7.6
99 (1985-86).....	17.6	7.6

TABLE 4.—SENATE COMMITTEE MEMBERSHIP LEVELS

	98th	99th	Recommended
"A" committees:			
Agriculture.....	18	17	15
Appropriations.....	29	29	27
Armed Services.....	18	19	15
Banking.....	18	15	15
Commerce.....	17	17	17
Energy.....	21	18	17
Environment.....	18	15	15
Finance.....	20	20	19
Foreign Relations.....	18	17	15

TABLE 4.—SENATE COMMITTEE MEMBERSHIP LEVELS—Continued

	98th	99th	Recommended
Governmental Affairs.....	18	13	13
Judiciary.....	18	18	17
Labor.....	18	16	15
Totals.....	231	214	200
"B" committees:			
Budget.....	22	22	21
Rules.....	12	15	11
Small Business.....	19	19	13
Veterans' Affairs.....	12	12	11
Intelligence.....	15	15	11
Aging.....	19	19	13
Joint Economic.....	10	10	10
Totals.....	109	112	97

Note.—Indian Affairs is not considered among the committees. This committee had 7 members in the 98th Congress, and has 9 members in the 99th Congress. The recommended level was 7.

SUGAR PRICE SUPPORTS AND IMPORTS—S. 1222

● Mr. MOYNIHAN. Mr. President, I rise today to cosponsor legislation—S. 1222—introduced by my colleagues, Senators BRADLEY and GORTON, to reduce sugar price supports. Three seemingly unrelated events have occurred over the past few weeks that point to the urgent need for legislation to reform the sugar price support program: the Coca-Cola Bottling Co., with much publicity, introduced the

new Coke; one of the largest employers on the Brooklyn waterfront closed its doors; and U.S. Customs officials detained a shipment of Israeli frozen pizzas.

On April 23, 1985, the Coca-Cola Bottling Co. announced the reconcocting of its 99-year-old, secret formula. Coke has a new look and taste. What is new about the taste? Well, it is sweeter. Why? Because Coke now contains more fructose than it did before. High fructose corn syrup sweetens Coke now, not sucrose—sugar. Actually, Coca-Cola and other soda drink manufacturers quietly began substituting corn syrup for sugar early in 1980.

The reason is simple: corn syrup is considerably cheaper than real sugar, which is made from sugarbeets and sugarcane. Now, why is that? Because, for the past 3 years, the Federal Government has supported the domestic price of sugar at some three to six times the world market price, currently less than 4 cents per pound. And that is why a tremendous market for corn syrup and artificial sweeteners has developed—also at higher prices.

Let's us be clear about just how the Government props up sugar prices. The Department of Agriculture's Commodity Credit Corporation (CCC) adminis-

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7683

ters a price support program. As with most commodities, the CCC loans money for planting and harvesting, the commodity to be planted and harvested serving as collateral. In this instance, the CCC extends nonrecourse, low-interest loans to sugar processors—those who process sugarbeets and sugarcane into raw sugar—and the raw sugar serves as collateral. Loans are made on the basis that the sugar will be sold at a certain price, called the loan rate. If domestic sugar prices exceed the loan rate, processors sell the sugar and repay the loans. If market prices fall below the loan rate, processors default on the loans and forfeit the sugar to the CCC.

The Agriculture and Food Act of 1981—Public Law 97-98—set the current loan rate for cane sugar at 17.75 cents per pound—the loan rate for beet sugar is set in relation to raw cane levels and is slightly higher. The Federal Government has a powerful incentive to see that domestic sugar prices do not fall below 17.75 cents per pound—that is, to prevent loan defaults. Indeed, the CCC has been so zealous in its efforts to prevent forfeitures on its loans, that it has set a market stabilization price of 21.57 cents per pound.

How can the Government maintain domestic sugar prices at several times the world price? The President has two tools at his disposal: tariffs and quotas.

The President has exercised his authority to assess fees and duties on imported sugar, raw and refined, to support the domestic sugar prices. The maximum fees and duties allowable, however, have not been sufficient to discourage foreign producers from flooding the domestic market with sugar, given the tremendous disparity between the world price and the domestic price. So for the past 3 years, the President has also exercised his authority to impose restrictive sugar quotas. In May 1982, the President imposed quotas of 2.583 million metric tons for crop—fiscal—year 1983, 2.916 million metric tons for crop year 1984, and 2.2 million metric tons for crop year 1985. In 1981, the last full year before quotas were imposed, the United States imported 5.957 million metric tons of raw sugar.

The fees, duties, and quotas have supported a domestic price 3 to 4 cents per pound over the loan rate, and more than six times the current world market price.

Might we not ask, Mr. President, who benefits from this sugar price support program?

Some 11,000 sugarbeet and sugarcane farmers. While it may be important to preserve some domestic capacity to produce sugar, the rate at which we subsidize our producers should be reasonable. Sugarbeets are supported at nearly four times the level of corn on a return-per-acre basis—\$403 per acre versus \$113 per acre. Sugarcane is supported at three times the level of

corn on a return-per-acre basis—\$353 per acre versus \$113 per acre. I would suggest that such rates are unreasonable.

Moreover, there is another side to this issue, those who pay artificially high sugar prices.

First, consumers. The organization Public Voice for Food and Health Policy estimates that in 1983, consumers paid \$3.6 billion in higher product costs as a result of our sugar price support program. Price supports added 60 cents to the cost of a 5-pound bag of refined sugar. Higher sugar prices also affect sugar-containing products such as candy, jams and jellies, and powdered drink mixes, all of which are more expensive as a result. And as the price of sugar goes up, so too does the price of all other sweeteners, both nutritive and nonnutritive. Artificially high sugar prices cost the average family of four about \$60 each year. This is a regressive tax of sorts that particularly hurts poorer people.

The refining industry is also adversely affected by sugar price supports. Seven cane sugar refineries have closed since 1981; 13 are still operating, but at reduced rates of capacity utilization. The refining industry is concentrated in the older port cities of the East and deep South—Boston, New York, Philadelphia, and New Orleans, many suffering from urban blight and the flight of industry. Additional plant closings will wreak havoc with the economies of these areas.

Which brings me to the second event I mentioned earlier. On March 22, the Revere Sugar Corp. closed its Red Hook sugar refinery on the Brooklyn waterfront. The plant had operated 24 hours a day, 5 days a week since the 1930's, converting 6,000 tons of raw sugar into refined products—such as syrup and sucrose—weekly. Revere laid off 350 workers. It is unlikely to reopen the refinery.

Regions that would otherwise import more sugar are also hurt. Let me cite one example. In 1983, 891,358 long tons of sugar were imported into the New York and New Jersey area. This was the first full year in which imports were governed by quotas, and this level was 26 percent less than the previous year. Yet, the New York-New Jersey Port Authority, in an internal study, estimated that in a 17-county region, these sugar imports created 1,950 jobs; provided \$41 million in personal income; and generated \$127 million in regional activity—sales—\$23 million in business income, \$4 million in regional tax collections, and \$12 million in Federal tax collections.

Domestic food manufacturers pay more for sugar, which is an essential ingredient in countless processed foods. The manufacturers must contend with rapidly increasing imports of less expensive, sugar-containing products such as candy, powdered drink mixes, and jams and jellies. Which brings me to the last event.

You see, Mr. President, not only candy, jam, and jello contain sugar. Even pizza contains sugar. The current 18-cents per-pound difference between the world price of sugar and the domestic price means that foreign manufacturers of processed foods, who can purchase sugar at the world price, enjoy a tremendous cost advantage for at least this one ingredient. This advantage could enable those manufacturers to undersell domestic producers of the same product, increasing their share of our market.

Domestic sugar producers and processors, seeing demand by domestic manufacturers for American sugar decline, pressed for more protection. And so, in January of this year, the President imposed emergency quotas on "edible preparations." By the beginning of March, these restrictive quotas were filled—leading to the impoundment of the Israeli frozen pizza I mentioned earlier. I might also note that Customs similarly impounded Korean noodles and Japanese surimi—artificial crab legs. These incidents were reported in the Wall Street Journal on April 29, 1985, and the subject of a New York Times editorial published on April 23, 1985. Last month, the President lifted some of the quotas, but others remain in force.

These are serious matters, and are seen as such by our trading partners. They are viewed—correctly—as just the kind of market access barriers that we in the Congress spend so much time accusing our trading partners of erecting. Most recently, on March 28, 1985, the Senate unanimously passed a resolution calling on the President to negotiate elimination of Japanese trade barriers. Do not our own sugar product quotas, which are not necessary to protect the sugar price support program—let alone sugar producers—legitimize other countries' attempts to restrict access to our exports?

This is yet another instance of this administration's failure to consider the broad trade implications of its decisions. It did not do so in 1981, when it created huge budget deficits, sending interest rates soaring and precipitating the unparalleled rise in the U.S. dollar—making foreign imports cheaper and our own exports less competitive. It did not do so in 1983, when it gave foreign manufacturers of telecommunications equipment unrestricted access to our market following the breakup of ATT, without insisting that our own products be allowed free entry into their markets. And it has not done so with respect to the consequences of the sugar price support program, either.

Mr. President, the time has come for action to reform the sugar price support program, to reduce the unfair burden it places on our Nation's consumers, refiners, and food manufacturers and exporters. S. 1222 is a purposeful first step. It sets the loan rates for the 1985-88 sugarcane crops at 13

S 7684

CONGRESSIONAL RECORD — SENATE

June 6, 1985

cents, 10 cents, 9 cents, and 8 cents, respectively. These rates are more than adequate to preserve a domestic sugar industry, guaranteeing producers a return on their crop still many times the prevailing world price. More importantly, S. 1222 would save consumers \$1.5 billion in the first year alone. Likewise, importing regions, refiners, and food manufacturers and processors would benefit from reduced sugar prices. I urge my colleagues to join me in cosponsoring this important measure.●

REFERRAL OF INTELLIGENCE AUTHORIZATION

Mr. DOLE. Mr. President, I ask unanimous consent that once the Select Committee on Intelligence reports the Intelligence Authorization Act for fiscal year 1986, it be referred jointly to the Committees on Armed Services, the Judiciary, Governmental Affairs, and Foreign Relations for the 30-day time period provided in section 3(b) of Senate Resolution 400, 94th Congress, provided that the Committee on the Judiciary be restricted to the consideration of title V, the Committee on Governmental Affairs be restricted to the consideration of section 603, and the Committee on Foreign Relations be restricted to the consideration of section 604 of title VII; provided that if any of said committees fail to report said bill within the 30-day time limit, such committee shall be automatically discharged from further consideration of said bill in accordance with section 3(b) of Senate Resolution 400, 94th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. DOLE. Mr. President, I would like to inquire of the minority leader if he is in a position to pass or indefinitely postpone the following items:

Calendar No. 15, S. 413, pass; Calendar No. 91, S. 1029, indefinitely postpone; Calendar No. 128, S. 1141, pass; Calendar No. 158, Senate Resolution 156, indefinitely postpone; Calendar No. 161, S. 1080, pass; Calendar No. 166, Senate Resolution 162, indefinitely postpone.

Mr. BYRD. If the distinguished majority leader will yield, Mr. President, this side is ready to proceed as stated by the distinguished majority leader.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 15, S. 413; No. 128, S. 1141; and No. 161, S. 1080.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR RISK INSURANCE

The bill (S. 413) to extend the provisions of title XII of the Merchant

Marine Act, 1936, relating to war risk insurance, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking "September 30, 1984" and inserting in lieu thereof "June 30, 1990".

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CERTAIN TELEPHONE SERVICES FOR SENATORS

The bill (S. 1141) relating to certain telephone services for Senators, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (6) of section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended to read as follows:

"(6) for telephone service charges officially incurred outside Washington, District of Columbia, which are based on the amount of time the service is used;"

(b) Section 1205(a) of the Supplemental Appropriations Act, 1984 (2 U.S.C. 58a) is amended by inserting "and in such Senator's State (except services for which the charge is based on the amount of time the service is used)" after "Columbia,".

Sec. 2. The amendments made by this Act shall take effect on the first day of the first calendar month which begins more than sixty days after the date of enactment of this Act.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL RAILROAD SAFETY ACT AUTHORIZATION

The Senate proceeded to consider the bill (S. 1080) to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RAILROAD SAFETY

ENFORCEMENT OF SUBPENAS AND ORDERS

SEC. 101. Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by inserting the following immediately after the first sentence: "In case of contumacy or refusal to obey a subpoena, order (other than an order directing compliance with this Act), or directive of the Secretary issued under the first sentence of this subsection by any individual, partnership, or corporation that resides, is found, or conducts business within the jurisdiction of any district court of the United States, such district court shall have jurisdiction, upon petition by the Attorney General, to issue to such individual, partnership, or corporation on order requiring immediate compliance with any such subpoena, order, or directive. Failure to obey such court order may be punished by the court as a contempt of court."

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended—

(1) in subsection (c)(2), by striking "and", and by inserting immediately before the period the following: ", not to exceed \$3,200,000 for the fiscal year ending September 30, 1986, and not to exceed \$3,328,000 for the fiscal year ending September 30, 1987";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting immediately after subsection (c) the following:

"(d) There are authorized to be appropriated to carry out the provisions of this Act, except section 208(d) of this title and except for conducting safety research and development activities under this Act, not to exceed \$27,975,000 for the fiscal year ending September 30, 1986, and not to exceed \$29,094,000 for the fiscal year ending September 30, 1987."

TITLE II [RAILROAD ACCOUNTING PRINCIPLES BOARD] AMENDMENTS TO TITLE 49, UNITED STATES CODE

[AUTHORIZATION OF APPROPRIATIONS] RAILROAD ACCOUNTING PRINCIPLES BOARD

SEC. 201. (a) Section 11168 of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by inserting immediately before the period the following: ", not to exceed \$1,000,000 for the fiscal year ending September 30, 1986, and not to exceed \$750,000 for the fiscal year ending September 30, 1987".

(b) Section 11161(f) of title 49, United States Code, is amended by striking "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under this section".

(c) Section 11162(a) of title 49, United States Code, is amended by striking "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title."

(d) Section 11167 of title 49, United States Code, is amended by striking "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

June 6, 1985

CONGRESSIONAL RECORD — SENATE

S 7685

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURES INDEFINITELY POSTPONED

Mr. DOLE. Mr. President, I ask unanimous consent that Calendar No. 91, S. 1029; Calendar No. 158, Senate Resolution 156; and Calendar No. 166, Senate Resolution 162 be indefinitely postponed.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST FOR COMMITTEE TO MEET

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate, Friday, June 7, to markup S. 616, the farm bill, and related issues.

Mr. BYRD. Mr. President, I am constrained to object because there are objections on this side. May I say to the distinguished majority leader that I believe, if the distinguished chairman of the Agriculture Committee would indicate what hours he wishes

to meet on a given day, it might be that the request could be cleared.

The distinguished majority leader will remember the other day we had one clearance that the committee could meet until 1:30, and there was no objection. If the request would be clear as to the timeframe in which the committee wants to meet on a given day, I might be able to get that request cleared.

Mr. DOLE. I thank the distinguished minority leader, and I will discuss that with the chairman of the committee, Senator HELMS, and maybe renew that request then early in the morning.

ORDERS FOR FRIDAY

ORDERS FOR RECESS UNTIL 8:30 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m. on Friday, June 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS MC CLURE AND PROXMIRE

Mr. DOLE. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order tomorrow, there be special orders in favor of the following Senators for not to exceed 15 minutes

each: Senator McClure and Senator Proxmire.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. If time permits after that, but it is doubtful, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 9 a.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Following morning business, the Senate will resume consideration of S. 1003, the State Department authorization bill. Rollcall votes are expected throughout the day and it is expected, as I indicated, they could come as early as 9:30 a.m.

RECESS UNTIL 8:30 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until 8:30 a.m. Friday, June 7.

The motion was agreed to; and, the Senate, at 8:10 p.m., recessed until Friday, June 7, 1985, at 8:30 a.m.

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2583

EXTENSIONS OF REMARKS

DAY-CARE CENTERS ROCKED
BY RISING INSURANCE COSTS

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mrs. BURTON of California. Mr. Speaker, our Nation's ability to provide safe, affordable, and appropriate child care has been in doubt for some time now, and it is a deepening crisis.

I would like to submit an article which describes one of the factors which is leading to the further erosion of our child care resources—insurance costs.

One of the effects of this trend will be to increase the percentage of day-care centers which operate "underground." This exposes the children of this Nation to an unacceptably high level of risk. I strongly urge my colleagues to examine this article as it will affect so many children and their families in each of our States.

The article follows:

[From Education Week, May 29, 1985]

DAY-CARE CENTERS ROCKED BY RISING INSURANCE COSTS: HIGH PREMIUMS, CANCELLED POLICIES MAY CLOSE MANY

(By Anne Bridgman)

Faced with what they say is their worst year in memory and concerned with continuing reports of child abuse in day care centers, insurance companies are raising premiums of child-care providers and even cancelling their policies.

As policies come up for renewal, child-care experts say, providers are finding that insurance carriers have tripled and quadrupled the premiums and, in some cases, are cancelling policies altogether, forcing centers to close.

What many day-care experts characterize as a "very serious problem" in the industry comes at a time when mothers of young children are entering the workforce in unprecedented numbers. Almost half of the nation's estimated 12.5 million women aged 18 to 44 with children under 5 are classified by the Census Bureau as working mothers.

Within five years, the government estimates that 80 percent of children under 6 will have mothers in the workforce, many of whom will be hard pressed to find adequate and affordable day care.

SHOCK PERIOD

The first signs of the insurance problem appeared in January when reinsurance companies, or underwriters, began to back away from insuring child-care centers, according to Roger Neugebauer, publisher of *Child Care Information Exchange*, a newsletter for day-care managers. This spring and summer, Mr. Neugebauer said, day-care providers will experience "the awareness period, the shock period," when centers' insurance policies come up for renewal.

New centers will be unable to afford insurance, Mr. Neugebauer said. And centers that can get insurance are likely to pass premium increases on the parents in increased fees, he said.

U.S. Representative George Miller, Democrat of California and chairman of the Select Committee on Children, Youth, and Families, is considering legislative options to provide some relief to providers.

"Insurance is primarily a matter regulated at the state level," Representative Miller said last week. "We are, however, exploring what might be most helpful to the child-care industry by reviewing other instances where the federal government came in to try to reduce the risk for insurers, and still enable critical services and property to be protected.

"We're looking at things like the federal flood-insurance program and the riot-reinsurance program. After we've completed this review, we will determine whether legislation is the best approach or whether there are other mechanisms that would be more appropriate."

"Insurance companies decided they were going to re-evaluate their risk-taking position in relation to their surpluses and the kind of risks they were going to write," he said.

"To oversimplify it," he continued "if you were in a position to ensure one house and somebody brought you a brick house and a wooden house, it's not hard to see which you'd insure."

Both Mr. Silverman and Mr. Rosenberg pointed out that rates for day-care facilities were artificially low for many years. "It's true that a 300-percent increase is a large increase, and that's probably higher than most industries would find," Mr. Rosenberg said, "but that's more a result of the liability insurance being undervalued in the past."

One of B.M.F.'s current underwriters, which has backed family-day care coverage for two years, is seeking to drop the coverage because of financial losses. The firm's two previous underwriters for family day care also incurred losses, Mr. Silverman said.

CHILD-ABUSE CHARGES

Compounding the insurance industry's own problems is the spate of child-abuse allegations involving day-care centers in the past year.

In fact, when day-care directors press insurance companies for an explanation of their cancellations, said Mr. Neugebauer, "the reason tends to be the sex-abuse cases."

In California, a survey of state-supported resource and referral agencies found that the reason most often cited by insurance companies for increasing premiums or cancelling policies was the "adverse publicity" generated by child-abuse cases, according to Carol Stevenson, a staff attorney for the Child Care Law Center in San Francisco.

Although centers cannot be insured against a criminal act such as sexual abuse, civil lawsuits can be and have been brought against centers for negligent hiring or supervision practices. None of those has yet been resolved, Mr. Rosenberg said.

Insurance companies, Mr. Silverman said, "have determined because of all the adverse publicity in the news media regarding the problems in the day-care community that child care is a very high-risk, high potential, volatile type of exposure."

James Smith, vice president for general liability for Fireman's Fund Insurance Company, said the incidence of child-abuse cases

has been a factor in his company's decision to get out of the day-care field altogether.

"Day care centers from a general-liability standpoint have always been somewhat of a problem because of injuries that could arise out of playground equipment," said Mr. Smith, whose company writes approximately \$2 billion annually in premiums, some \$100,000 to \$200,000 of which has in the past been for day-care centers. But recent reports of child abuse in day-care centers, he said, have made it necessary to take "a very, very conservative approach" to insuring centers.

In attempting to control losses, it is possible to alter playground equipment to make it less-dangerous, he said, but it is not possible to control the behavior of employees. "It would be a rare occasion where we'd write a new [day-care policy]," he said "And it would be a very rare occasion where we'd renew."

In addition, some insurance companies that do renew policies for day-care centers will explicitly exclude child abuse from coverage, child-care experts note.

Because most litigation involving child-abuse cases and day-care centers is still pending, insurance experts say there have not been any large awards paid to plaintiffs. But they note that, as a general pattern, the size of awards in liability cases is rising rapidly.

FISCAL BIND

The insurance industry's own financial difficulties are partially responsible for the squeeze on liability coverage for child-care centers.

"In round numbers, the industry lost about \$3 billion in its underwriting last year," explained Marc Rosenberg, vice president for federal affairs for the Insurance Information Institute, an industry-sponsored clearinghouse in Washington. "In other words, they paid out in claims about \$3 billion more than they took in in their combined premiums. It's their worst year in recent history."

Joel S. Silverman, executive vice president of B.M.F. Marketing, which insures day-care centers, family day-care homes, and foster parents in all 50 states, noted that 1984 was the worst year for the industry since 1966.

EFFECT ON CARE PROVIDERS

The cancellations and raised insurance rates, contended, Mr. Neugebauer, are likely to severely harm the smaller, "mom-and-pop" segment of the day-care industry.

"It really hits hard in day care because we don't have other choices [for coverage]," he said. "Organizationally day-care centers are really independent. They're not part of a larger organization; they don't have anything to fall back on."

Ms. Stevenson said that in California, where B.M.F. Marketing provides most of the coverage for family day care, its policy covering most care providers is underwritten only through the end of June.

"If they don't get another underwriter," she said, "a huge number of family day-care providers would have their insurance cancelled."

Mr. Silverman of B.M.F., which is a subsidiary of the insurance firm of Bayly, Martin, and Fay International, said the day-care division has not cancelled any policies to date but may have to do so if another underwriter is not found.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

E 2584

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

CONSIDERING SOLUTIONS

Day-care experts have considered borrowing solutions from other industries. For example, Mr. Neugebauer pointed out, physicians with insurance problems have succeeded in separating general-liability policies from high-risk, or malpractice, policies.

"If we could separate out what the high-risk issues are, which tend to be the abuse issues, from the low-risk, such as a child tripping on a rug, we might be able to provide some sense to the policy, so we can get some general insurance coverage," Mr. Neugebauer said.

Mr. Rosenberg of the Insurance Information Institute said that because insurance companies have begun to reassess which premiums are profitable and which are not, the day-care industry should devise standards by which to measure risk.

Ms. Stevenson, pointing out that solutions will have to be devised on a state-by-state basis, said that they should address the distinct issues of access to insurance and the affordability of premiums.

"There might be some legislative solutions regarding access that spread the risk around to different carriers" similar to California's all-risk automobile-insurance plan, which divides high-risk individuals among a number of insurers.

Another option being considered is self-insurance. Under such a plan, all day-care providers would form a large pool and raise funds to cover expected liabilities within the industry. Such a proposition, Mr. Neugebauer and others acknowledged, would require that all participating centers put up funds to start the insurance program.

SINGLE ENTITY

A concept that has been attempted on a limited scale for the National Association for the Education of Young Children is to bind all day-care centers into a single national association that buys insurance coverage from one carrier, but even that program apparently has fallen victim to publicity about child abuse in day-care centers.

N.A.E.Y.C., a 47,000-member organization representing day-care providers, began offering liability insurance to its membership in 1980, according to Marilyn Smith, executive director of the association. A center can obtain coverage through the association if at least one staff member is an N.A.E.Y.C. member. Ms. Smith said she did not know how many centers the association insures.

The association is currently negotiating with a new insurer because the original insurance company began to exclude certain states from liability coverage, starting with California and Texas, despite the fact that N.A.E.Y.C. had never processed a claim on the policy, Ms. Smith said.

Despite months of negotiations with the new insurer, Market Dyne, Ms. Smith said the firm has experienced "cold feet" throughout the process, "explicitly because of the fear that there's going to be a lot of potential exposure" should a child-abuse case come to light. "They think the issue will put ideas in people's heads to sue."

Even after N.A.E.Y.C. agreed to exclude sexual abuse from liability coverage, the association could not get the company to put the program on the market, according to Ms. Smith. And attempts by N.A.E.Y.C. to contact the firm's president have been unsuccessful, she said.

"I'm afraid we've only seen the tip of the iceberg," Ms. Smith said. "We're going to see much more of this panic." ●

THE OBSTETRIC CARE INFORMATION ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BIAGGI. Mr. Speaker, today I am reintroducing legislation that would provide all women of childbearing age the right to have access to information about obstetric care that could have potentially harmful effects upon their health as well as the health of their children.

This bill, the Obstetric Care Information Act, requires that, as a condition of receipt of maternal and child health funds provided under title V of the Social Security Act, each State must assure that, one, women have access to clear and understandable information about the obstetrical care that has been provided to them and, two, women be informed of the risks associated with the use of obstetric drugs and devices before they are used and that they consent to such use. The bill also requires the Food and Drug Administration to disseminate information on potentially harmful obstetric drugs and devices for pregnant women and their children.

Mr. Speaker, obstetricians are now using a wide range of obstetric drugs before and during the birth of children. The use of these drugs has steadily increased since the end of World War II. Yet, of the dozens of drugs used today, only a few have been approved by the FDA as safe for use during pregnancy. To compound the problem, there is evidence to indicate that there is considerable confusion among trained physicians and nurses as to those drugs that are classified as "safe" by the FDA. As the use of these drugs has proliferated, many valid questions have been raised as to the necessity of their use and the risks of administering the drugs. There have been a number of cases of mental disability in children whose mothers had been treated with certain obstetric drugs. Recently, concern has developed over the link between obstetric drugs and jaundice in newborns, a potentially fatal condition. These are some who are beginning to explore the relationship of obstetrical drug use and the perplexing mystery of crib death. We have no way of knowing where these concerns will lead us, but it is clear that the level of concern is not unwarranted. It is true that in many cases, the use of certain drugs is necessary during pregnancy. However, the potential risk of taking the drugs to both the mother and the newborn should warrant caution and careful consideration on the part of parents and doctors alike.

The General Accounting Office examined this problem and issued a report in 1979 which revealed that Federal attention to current obstetrical drug practices has been limited.

The GAO reported that while a number of studies on obstetrical drug use had been done, only one dealt with the effects of such use on the Child. Even this study was narrowly structured. It focused on the drug oxytocin and the fetal/infant effects of elective induction of labor. According to the GAO, no reports of studies could be found which examined the long-term effects on children of the use of obstetric drugs. Another disturbing element of the GAO report was that since the 1960's, several obstetric drugs, such as sparteine sulfate, has been reported as having adverse effects on newborns. Yet, it was not until 1979 that action was taken by the FDA to remove this drug from the market.

The GAO report also highlighted the case of a child born in 1951, that was delivered after labor was electively induced by obstetric drugs. The child suffered brain damage which was probably caused by injected pitocin used during the elective induction of labor. In the mid-1960's, the parent of the child began an effort to call attention to this problem. The effort was largely futile. However, in 1977, the parent sent two letters of complaint to the FDA which generated action. The FDA convened its Fertility and Maternal Health Drugs Advisory Committee to consider the matter. After almost 1½ years of deliberations and public hearings, the committee recommended that the drugs pitocin and syntocinon be labeled to indicate the possible harmful effects of the drugs. The recommendation was, in fact, implemented.

The cases I have briefly discussed clearly illustrate the problem. It takes the FDA inordinate amounts of time to consider and conclude action on these matters, and in the end, the significance of the overall problem is lost. The public remains largely uninformed of the potential dangers in the widespread use of obstetric drugs, devices, and procedures. Warning labels, while well intentioned, do little to alleviate the situation and are clearly inadequate in light of the gravity of the problem. My bill goes directly to the heart of the situation. It will ensure that women are provided with more comprehensive information on the side effects, risks, contraindications, and effectiveness of obstetric drugs, devices, and procedures to enable them to make informed and intelligent choices about their use. Once this information becomes available, many parents will realize that certain obstetric procedures and drugs are unnecessary and there are alternatives available to them that will assure a healthy and risk-free pregnancy.

For the benefit of my colleagues, I am inserting the text of the Obstetric Care Information Act into the RECORD, and I urge them to join me in supporting this important and much needed legislative initiative.

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2585

H.R. —

A bill to amend title V of the Social Security Act to require States to provide women during and after pregnancy with access to their medical records and current information on obstetrical procedures and to amend the Federal Food, Drug, and Cosmetic Act to require the dissemination of information on the effects and risks of drugs and devices on the health of pregnant and parturient women and of prospective and developing children

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Obstetric Care Information Act".

ACCESS OF PREGNANT AND POST PARTUM WOMEN TO THEIR (AND THEIR INFANTS') MEDICAL RECORDS AND PROVISION OF CURRENT INFORMATION REGARDING OBSTETRICALLY-RELATED DRUGS AND PROCEDURES

Sec. 2. Section 505(2) of the Social Security Act (42 U.S.C. 705(2)) is amended (1) by striking out "and" at the end of subparagraph (D), (2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon, and (3) by inserting after subparagraph (E) the following new subparagraphs:

"(F) the State has a law under which any health care practitioner or provider of services (as defined in section 1861(u)) who furnished health services in the State to a woman during pregnancy or parturition must provide the woman, upon her request, with—

"(i) the opportunity to inspect and copy any medical records which the practitioner or provider maintains relating to the condition or treatment of the woman and her infant during the pregnancy, parturition, and post partum, and

"(ii) a reasonable explanation of any portion of such medical record which is not comprehensible to a layperson,

and under which there are appropriate procedures (as determined by the Secretary) to ensure the provision of the opportunity for inspection and explanation specified in clause (i) and (ii); and

"(G) the State has a law under which any health care practitioner or provider of services (as defined in section 1861(u)) in the State who performs a medical procedure on, or administers a drug or medical device to, a woman during pregnancy or parturition must (except under emergency and other extraordinary circumstance established by the Secretary)—

"(i) inform the woman, before performing the procedure or administering the drug or device, of the side effects, risks, contraindications, and effectiveness, with respect to the health of the woman and of her prospective children, of the procedure, of not performing the procedure or administering the drug or device, and of performing other medically recognized procedures (and of administering other drugs or devices) instead of the procedure, drug, or device involved, and

"(ii) after being so informed, receive her consent to the performance of the procedure or administration of the drug or device."

(b)(1) Except as otherwise provided in paragraph (2), the amendments made by the subsection (a) shall apply to allotments to States for fiscal years beginning with fiscal year 1986.

(2) In the case of any State which the Secretary of Health and Human Services determines requires State legislation in order to provide the assurances described in subpara-

graphs (F) and (G) of section 505(2) of the Social Security Act, such assurances shall not be required until the first fiscal year beginning after the date of the first regular session of the State legislature that begins after the date of the enactment of this Act.

INFORMATION FOR PREGNANT WOMEN ON SIDE EFFECTS, RISKS, CONTRAINDICATIONS, AND EFFECTIVENESS OF DRUGS AND DEVICES

Sec. 3. (a) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding after paragraph (b) the following new paragraph:

"(u)(1) If it is a drug or device distributed or offered for sale in any State and intended for the use of any woman during pregnancy or parturition, unless its label or a written insert accompanying the drug bears an explanation, meeting guidelines established by the Secretary under subparagraph (2), of the side effects, risks, contraindications, and effectiveness of the drug or device on the health of women during pregnancy and parturition and on the health of prospective and developing children.

"(2) The Secretary shall, by regulation, establish guidelines with respect to the explanation of the side effects, risks, contraindications, and effectiveness of drugs and devices intended for the use of women during pregnancy or parturition."

(b)(1) Subparagraph (1) of section 503(u) of the Federal Food, Drug, and Cosmetic Act (added by subsection (a) of this section) shall only apply to drugs distributed in commerce on or after the first day of the sixth month beginning after the date of the enactment of this Act.

(2) The Secretary of Health and Human Services shall establish the guidelines required under section 503(u)(2) of the Federal Food, Drug, and Cosmetic Act (added by subsection (a) of this section) not later than the first day of the third month beginning after the date of the enactment of this Act.●

COMMENCEMENT ADDRESS BY
JOHN C. QUINN

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ST GERMAIN. Mr. Speaker, John C. Quinn, editor of USA Today and executive vice president of Gannett Co., Inc., recently gave the commencement address at his alma mater, Providence College, in Providence, RI.

Mr. Speaker, I commend his splendid thought-provoking remarks as they reflect the tremendous changes that have transpired in the field of communication along with the thinking of our youth today.

Mr. Speaker, at this point, I would encourage my colleagues to read this address; it is food for thought.

COMMENCEMENT ADDRESS BY JOHN C. QUINN
AT PROVIDENCE COLLEGE

To our reverend and distinguished guests and to all who are part of the Class of 1985, I thank you for allowing me to share in this graduation day.

I need not tell you how grateful I am or how proud my wife is or how well-deserved my mother thinks this degree is. But I have told you anyway and I thank you again very much.

Well, Class of 1985, you are almost there. You are within minutes of your milestone . . . of graduation in the great tradition and

personal triumph of a Dominican education; . . . of liberation from trials and tortures of the Order of Preachers and their faculty tormentors; . . . of recollection of your undergraduate days past, of the good and the bad, the glad and the sad that now flash through your mind; . . . of expectations of your parents that you are now prepared to save the world, or at least find a job by fall; . . . and, of course, you are within minutes of fulfilling the satisfaction of all in this Civic Center that you are the cream of your new generation, that you are equipped with the centuries-tested armour of a Dominican education and that you are indeed ready to take your turn at making this a better world.

Why, then, with four years of faculty wit and wisdom ringing in your heads must you endure yet another lecture, one from an ink-stained graduate of 40 years ago? Darned if I know. Even more surprised would be my P.C. English professor. My beloved Rev. John T. McGregor, O.P., wrote on my first composition:

"You must be in the wrong place. This is the worst piece of writing it has been my misfortune to grade. I hope your livelihood never depends upon the written word."

That should tell either what is wrong with newspaper editors today or what is right about a Dominican education. The latter thesis, of course, is the more attractive, so let us explore from three perspectives what Providence College has done for—and to—all of us, from the Class of 1945 to the Class of 1985.

Providence College Perspective No. 1: On campus.

As an old grad, your 1985 commencement speaker recalls a different Providence College. The 1945 model was Hawkins Hall; the only other building—Aquinas Hall—was on temporary military duty . . . a P.C. where, if you can imagine it, there was neither hockey nor basketball team . . . where there was no Louie's Bar or Garden Cafe . . . where the coeducational environment consisted of catching the Smith Street trolley car with a Chapin Hospital nurse . . . and, alas, one could graduate without ever taking Dr. Fortin's ever popular Western Civilization.

But P.C. '85 is changing, too.

The most distinguished member of the Class of 85—and today the most applauded member—the very Rev. Thomas R. Peterson, O.P., will finally do his last thing for the last time as president, leaving behind a remarkable record of growth, like the Peterson Center; a remarkable record of progress, like coeducation; a remarkable record of leadership, as in his own words. "The habit of meeting new horizons has resulted in the habit of success" . . . you can leave to the juniors the problems of breaking in the new President, the Rev. John F. Cunningham, O.P., . . . and, best of all, you are becoming alumni just in time to be invited to contribute generously to the \$25 million capital campaign.

So it is—1945 or 1985—that the Providence College spirit, like the 700-year-old white Dominican habit that represents it, continues to look new as the years roll by, as the size grows, as the teaching and the preaching remain first class.

Providence College Perspective No. 2: In the working world.

Your old grad speaker had the opportunity to blend the P.C. teaching in history, literature, philosophy—even if it was not called Western Civ—with a career in journalism that has seen this nation move into the bright but sometimes blinding Age of Information.

E 2586

CONGRESSIONAL RECORD — *Extensions of Remarks*

June 6, 1985

You, the Class of 1985, will be the leading edge in deciding whether this Age of Information does fulfill its potential to enrich our understanding and unity or whether it simply prolongs the clamor of conflict.

The challenges are great; the opportunities, still greater.

The new technology of communication brings to your generation a remarkable array of tools of understanding—from the durability and detail of the printed word in newspapers and magazines to the instant drama of electronic coverage on television and radio of the endless data banks of the computer world—all ever more readily available at your doorstep or at the turn of a dial or at the punch of a computer button.

That technology brings new meaning, new strength, new value to our precious First Amendment freedoms of speech, of religion, of assembly and of the press. Yet as this blend of principles and technology grows stronger, so do the threats to it.

Do not be misled by those who pursue privileges for a few at the expense of freedom for all.

Be ever alert to those who nibble away at the practices of freedom in hopes of devouring the whole principle of freedom . . . by courts and legislatures that would serve individual considerations by curtailing the fundamental freedoms on which our unique society was founded; . . . by politicians and pontificators who would substitute healthy diversity and debate with their own special dictatorial prejudices; . . . by the demigods of deviousness who would blow a smoke-screen over the basic, if not perfect, exercise of democracy while they sneak off with our right to know and ultimately with our ability to understand; . . . and, yes, by the press itself, which at times allows its personality to intrude upon its professionalism, lets its practices get in the way of its principles, forgets that it is the custodian of First Amendment freedoms, not its sole proprietor. Too often the press proclaims vigorously what it must do, but fails miserably to explain why it must do it. A freedom misunderstood is a freedom soon lost.

The defense against these threats to our freedoms rests with all of us.

For its part, the press must nourish its believability and its acceptability while still doing its job; it must match its exercise of the public's right to know with the reality of the public's need to understand; it must deliver the free flow of information effectively enough to communicate what the people want to know and to have them accept what they need to know.

For its part, the public must insist that it get full, fair and accurate information; it must recognize that a free world cannot and should not be a unanimous world; it must be ready to encourage lively debate, to recognize the virtues of diversity and to reach for fuller understanding.

Providence College Perspective No. 3: In minds and souls.

Your old grad commencement speaker today brings to you living testimony that your survival and, hopefully, your success will rely not on what you know today, or ever, but on how successfully you find what you need to know in the wisdom of others.

Indeed, that disaster of Father McGregor's English Comp class did not survive in the world of words by becoming a literary genius, but by learning at the Dominican knee the virtue of taking guidance from others and thinking for yourself.

You, the Class of 1985, share in that learning from your Dominican education, from your years in the recent P.C. environment and from the many voices that will speak to you, too, in the years to come—sometimes at your behest, sometimes unin-

vited and even unappreciated, but always worth hearing and maybe heeding.

So let us conclude by listening to the wisdom of voices echoing among us today.

On goals, the words of St. Dominic: "That man who governs his passions is master of the world. We must either rule them or be ruled by them. It is better to be the hammer than the anvil."

On perseverance, the words of Fr. McGregor: "Quinn, you are going to pass this course with a good mark not because you are so smart, but because you are so stubborn; you wouldn't let me intimidate you. Don't let anyone else ever intimidate you, either."

On greatness, the words of Coach Joe Mullaney, who gave us all a splendid lesson this year in thinking with your brains, not your glands in his retirement statement: "This decision had to be made at this time for the benefit of Providence College."

On understanding, the words of St. Thomas Aquinas: "Three things are necessary for the salvation of man:

"To know what he ought to believe; to know what he ought to desire; and to know what he ought to do."

On spirit, the words of our departing president, Fr. Peterson: "Learn early to take your laughter seriously . . . If you as graduates have the proper understanding and respect for laughter, and take laughter seriously, you will be prepared to solve most of the problems you will encounter on the journey you begin this afternoon."

On style, the words of our incoming president, Fr. Cunningham: "We are not afraid of simple words like goodness, justice, morality, kindness and mercy."

On affection, the words of my mother who sits among us today: "Don't ever go to bed mad; never go through a day with a lingering regret."

And finally, the simple words of your commencement speaker: Be neither intimidated nor intransigent; be smart in heeding the wisdom of others, be courageous in thinking for yourself, be honest in all that you do.

May your 40 years and more ahead also be filled with the spirit of your Dominican education, with the guidance of a devoted family, by the patience of a loving spouse, by the blessings of the Lord.

Godspeed to you all forever and ever, Amen.●

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1986

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1985

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 152) revising the congressional budget for the United States Government for the fiscal year 1986 and setting forth the congressional budget for the U.S. Government for the fiscal years 1986, 1987, and 1988.

● Mr. STOKES. Mr. Chairman, I rise with pleasure to support the Fifth Congressional Black Caucus Alternative Budget. I am proud to offer this plan to Congress so that we will have the real opportunity to consider an economic agenda which will strengthen both our domestic sector and our

defense posture. The plan submitted by the Congressional Black Caucus accomplishes both of these goals.

Since February, we have had a chance to review the budget which President Reagan submitted to Congress for approval. That budget stated his priorities for the country in 1986 and beyond. That budget arrived on Congress "dead on arrival." When we read that document, we saw a blueprint which did not downsize the role of the Federal Government but drastically restructured it. Federal programs providing benefits to both the middle class and the working poor were emasculated. Coupled with the elimination of these programs was the termination of many other vital programs which redistributed tax revenue among municipalities and fostered the rehabilitation of the cities and rural communities.

However, not all sectors of Government shared equally in the draconian budget cuts under the President's budget. While Health and Human services programs would be slashed, the Defense Department would be allocated an increase of \$29 billion in budget authority. Military might was revealed to be the first priority of Government. It did not matter how large the sacrifice the domestic agenda had to make, the military sector would be allowed to grow in order to finance space weapons such as star wars research gadgetry at \$3.7 billion, \$4 billion on 48 MX missiles, and \$6.2 billion on 48 B-1 bombers. Coupled with these expenditures on military gadgetry, there was an additional 20 percent to be allocated to the research budget to design new weapons.

The Black Caucus refuses to accept the President's misstatement of priorities for the United States. The caucus believes that America can feed school-children, house its citizens in decent housing, and provide social services, while maintaining a strong defensive posture. The caucus budget which I offer for your consideration contains a fiscally sound plan designed to meet these objectives. The CBC alternative budget proposes \$989.3 billion in outlays, and \$816.1 billion in revenues, for fiscal year 1986. The CBC deficit of \$173.2 billion is lower than both President Reagan's proposal by \$7 billion and the White House-Senate compromise by \$5 billion. Under the CBC budget proposal, the deficit would decline to \$73.8 billion by fiscal year 1988.

The budget accomplishes those goals by proposing \$58 billion in revenue enhancements. The 23 proposals for revenue enhancement cover areas which have been responsible for the tremendous loss of needed income from the Treasury. Among these proposals is the imposition of a 25-percent tax on income in excess of \$100,000 for joint filers and corporations. The imposition of the 25-percent minimum tax on the wealthiest of Americans will

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2587

insure that everyone contributes an equitable amount.

The CBC budget would also initiate several urgently needed tax provisions to benefit low- and moderate-income taxpayers.

Some of the other highlights of the budget include the full payment of the Social Security 4.1-percent cost-of-living allowance scheduled for January 1985, the provision of a 16.6-percent increase in the section 202 housing program, the addition of \$35.8 billion in budget authority for health care programs, and the rejection of the cuts proposed by the Reagan administration in social service programs.

For defense, the caucus recommends "freeze minus" as its basic premise. For fiscal year 1986, the budget authority is frozen at the 1985 fiscal year level. The implementation of the freeze would achieve 3-year savings of \$286 billion from 1986 to 1988. These savings are sufficient both to reduce the Reagan administration deficits and to make resources available for selective increases in social spending.

In closing, Mr. Chairman, I would like to say that the CBC alternative budget would continue to move this Nation forward on the path to economic prosperity while restoring a sense of human compassion and caring in our Federal policies. CBC budget maintains essential dollars for defense preparedness and channels the excess into productive job-creating programs in housing and community development, and into maintaining the health and welfare of our citizens.

This budget deserves your careful and thoughtful consideration. I urge you to support the CBC alternative budget because it is the best hope for our communities, our country, and our people.●

TRIBUTE TO SOPHIE WEINER— COMMITTED TO THE ELDERLY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BIAGGI. Mr. Speaker, I rise today to pay a special tribute to a very special person in my congressional district—Ms. Sophie Weiner, retiring borough director of the Jewish Association for Services for the Aged in the Bronx.

For the past 17 years, we in the Bronx community have shared the privilege of having Sophie working in our midst. Although Sophie does not originally hail from the Bronx, she has devoted most of her working life to the elderly in our community and has made the Bronx her home. Through her work with the Jewish Association for Services for the Aged [JASA], many senior citizens have been awarded the dignity and independence they deserve. I have had the pleasure of working closely with JASA

in my capacity not only as the Representative from the 19th District of New York, but also in my role as the chairman of the Subcommittee on Human Services of the House Select Committee on Aging. JASA has always been in the forefront in confronting issues that affect our Nation's elderly and our community's special senior citizen needs and concerns. Because of people like Sophie, they have become a successful, effective organization and lobbying force.

I would like to share with you a little of the history of Sophie Weiner's life and career. She earned her master's degree from Columbia School of Social Work in 1950 and since that time has worked for various agencies, including Beth Abraham Hospital in the Bronx, before joining the Bronx-based Henrietta and Stuart Hirschman Coordinating Committee for Services for the Aged in 1965. After a brief hiatus, she returned to the Hirschman Services in 1968 as casework supervisor from which position she became a charter member of the JASA staff when Hirschman was absorbed by JASA in January 1969. Two years later, she assumed the office of director of JASA's Bronx district, a position she has filled with energy and expertise ever since.

During her tenure in the Bronx, Ms. Weiner was responsible for developing a number of new and creative programs to assist elderly residents of the borough. These include:

The Mobile Home Service and Transportation Unit for Isolated Elderly Needy and Impaired People in Disadvantaged Neighborhoods in the Bronx, which operated from May 1972 to December 1973;

Project SPAN, in which college students visited elderly Bronx residents and helped them with household chores, 1982-85;

A cooperative program between JASA and Montefiore Hospital's emergency room, in which JASA arranged for immediate home care for elderly patients as they return home from the emergency room;

And, the Mobile Geriatric Crisis Intervention Unit, which operated as a demonstration project from 1976 to 1979. Ms. Weiner was responsible for the revival of this unit in May 1984 as the present Project Crisis, which is funded by the NYC Department of Mental Health, Mental Retardation and Alcoholism Services. Under Ms. Weiner's leadership, these programs have reached the most isolated and impaired elderly of the Bronx.

Sophie Weiner has been an essential element in the "aging network" that provides services to the aged in the Bronx. Her membership on local councils and committees and active participation in numerous conferences has earned her the respect and admiration of the entire community. She is an outstanding woman, who has assumed her various positions with pride, and this pride has been evident in all her

undertakings. I depend upon Sophie, as we all do in the Bronx, and I know that she has always been there, ready to assist me, advise me, and support the causes we both find so very important.

It is not possible for one individual to be part of any organization for 17 years and not have some profound effect on it. Sophie Weiner's retirement comes at a time when the fruit of her labor is paying off—through her guidance, an entire generation of JASA workers and leaders have been trained and inspired. Through her special talents, hundreds of elderly people are living more comfortably and through her warm and caring personality, a sense of camaraderie and love has been developed throughout the JASA community.

I know that Sophie's presence as director will be missed as JASA strives on to meet its set goals. However, Sophie's presence will always be felt no matter how near or far she is, and at this time, I would like to salute Sophie for a job well done and wish her much continued personal happiness and success in all future endeavors.●

LATIN AMERICA AND ITS FOREIGN DEBT, THE PROBLEM CONTINUES

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BARNES. Mr. Speaker, 2 years ago the whole world was reacting to what then seemed to be an immediate financial crisis of unforeseen proportions resulting from Latin America's foreign debt. Since then, most countries have been able to reschedule their debts and have signed agreements with the International Monetary Fund. But although the crisis seems to have subsided, the long-term problem continues. In a letter to President Reagan, 11 Presidents from Latin America and the Caribbean warned:

It would be a serious mistake to believe that the problem of the foreign debt has been overcome or that it will have to correct itself automatically through the economic dynamics of the industrialized countries, both asymmetric and uncertain, or by the mere continuation of this adjustment process.

In a letter they also urge the creation of new mechanisms to deal with the problem. I would like to share this letter with my colleagues because it provides a useful perspective on the concerns of most of Latin America and the Caribbean.

The letter follows:

E 2588

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

[Translation—Spanish]

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC.

[Text of the letter sent to the President of the United States of America, by the President of Uruguay on behalf of the Presidents of Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Mexico, Peru, the Dominican Republic, Venezuela, and Uruguay]

MONTEVIDEO, April 26, 1985.

YOUR EXCELLENCY: I have the great honor of addressing Your Excellency, in the name of the Presidents of Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Mexico, Peru, the Dominican Republic, Venezuela, and in my own name, on the eve of a new summit conference of seven Western industrialized countries, which is to take place in Bonn this May.

Already on previous occasions, we Latin American Chiefs of State have expressed to the political leaders of the industrialized world our concerns over the acute problems that the crisis has posed for Latin America and in particular for the situation and perspectives of the foreign debt, a subject that transcends the boundaries of our particular interests to converge with those of the entire international community.

The relative improvement of some indicators of the Latin American economy in 1984 was manifested insufficiently and unequally; it was the result of the partial recovery in various industrialized countries and, above all, of the responsibility and internal efforts of the Latin Americans themselves.

We wish to point out that the adjustment *??* carried out by our countries, the most severe of the last 50 years, which has so far prevented the arrival of situations of great danger for the international financial system, is being carried out fundamentally at the expense of a drastic shrinking of the standards of living of our peoples, with grave economic, social, and political consequences. Although in the initial period of the crisis there has been a clear coresponsibility of the financial agents and the international economic system itself, such adjustments have been borne exclusively by the debtor countries.

It would be a serious mistake to believe that the problem of the foreign debt has been overcome or that it will have to correct itself automatically through the economic dynamics of the industrialized countries, both asymmetric and uncertain, or by the mere continuation of this adjustment process. For this reason, it will also be highly dangerous for a hasty evaluation of the facts to lead to a situation of self-complacency or to overlook the fragility and insufficiencies of the achievements attained.

In effect, as Your Excellency is aware, in the international economy high real interest rates, a dramatic depression of many of the prices of our basic export products, difficulties in access to foreign markets, and dangerous accentuations of trade protectionism persist. The resumption of new and additional flows of public and private capital is uncertain and hardly encouraging, and these flows continue at a low and insufficient level that does not compensate for the transfers of resources that leave Latin America far abroad, in particular those corresponding to the foreign debt service. These facts affect our ability to pay and force us to restrict imports, which accentuates the recession and weakens the domestic formation of capital.

Such considerations increase in meaning when one examines, in a long-term projection, the high transfers that must be carried out by the region through the debt service

if the current market rates are maintained. In this context and despite our expectations, we must point out that in the recent deliberations of the Interim Committee and the Development Committee of the International Monetary Fund and the World Bank, no significant progress was recorded in the statement of problems presented by the developing countries, in particular those related to foreign indebtedness and the interrelated questions of financing and trade.

In addition, the initiative on a new round of trade negotiations announced, as well as the steps for a reform of the international monetary system, which we consider urgent and a priority, are being outlined in accordance with criteria of negotiation that in some cases exclude and in others do not ensure adequate participation of the developing countries. It seems fundamental to us that the advances in the field of commercial liberation be accompanied by advances in the monetary and financial fields, in virtue of the clear interrelation existing between both concepts.

Without evading the responsibilities that each country has assumed and will continue to assume in its processes of adjustment and economic realignment including the individual operations of renegotiation, we are convinced that the lack of support for our development efforts reduces the effective contribution that our economies can and wish to carry out in the dynamics of trade and the world economy. The decision of the region confirmed in the facts to face their foreign commitments should be supported in the sustained increase in their economies and not in the persistent reduction of the domestic standards of living.

It is for that reason that an integral focus of the problem of the debt is urgently required, placing it in the context of the fundamental goal, which is the acceleration of the economic development and social progress processes. For these ends, political decisions that make it possible to overcome the obstacles that persist today and which distribute inequitably the sacrifices of these adjustment processes are required. Such political decisions will only come about through mechanisms of dialogue and concertation of efforts at the highest level, which transform into effective realities the will so often expressed to work collectively for a fairer international system.

The objective of the dialogue and the concertation that we propose is the effective advancement toward permanent and lasting solutions. It is necessary to design actions of cooperation that go beyond those of the alleviation of the indebtedness derived from the operations of renegotiation and which will allow through complementary measures in the fields of the debt, trade and financing, a rapid restoration of conditions for a sustained growth in the developing countries.

Together with calling attention to the need for political dialogue with a sense of responsibility and with an eminently constructive attitude, we want to share our concern over the risks to all of the international economy from the lack of response and the continuation of situations that make domestic adjustments more onerous, and if they persist they could create unpredictable situations for the entire international community.

The social and political consequences of this state of matters for our climate of internal coexistence are not hidden from Your Excellency. But such consequences become much more dramatic when they can turn into serious obstacles for the stability of the international political system and the strengthening and consolidation of our democracies, especially of those that have

arisen after costly processes of change spurred by the will of our peoples and accompanied by the solidarity of friendly countries.

In the assurance that these arguments will contribute to a realistic and pragmatic vision of the problems of the world economy in relation to the situation of our countries, I use this opportunity to reiterate to Your Excellency the expressions of my best wishes.

(Translated by Deanna Hammond, CRS Language Services, May 22, 1985.) ●

THE FARMERS' VIEW OF FEDERAL FARM POLICY

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GUNDERSON. Mr. Speaker, "The Plight of the American Farmer"—it's been a while now since we've heard it on the evening news or since we've read it on page 1 of our major newspapers. But the fact is, Mr. Speaker, that American agriculture is truly at a crossroads, and unless we are successful in developing sound agriculture policy in the 1985 farm bill and in reducing the Federal deficit, we will be reading those headlines again.

As we develop those policies and make those reductions, we in Congress must answer many difficult questions. What is the proper role of the Federal Government in farm policy? Ought we spend more money on agriculture in a time of soaring Federal deficits? Should there be limits on spending on individual farmers?

How we answer these questions will determine the role we play in the world for decades to come, for history shows that a nation remains strong only as long as it can feed its people.

Mr. Speaker, earlier this year I distributed a comprehensive farm questionnaire throughout the rural areas of Wisconsin's Third District to seek the views of our farmers on these important 1985 farm bill and deficit reduction issues.

Of those farmers responding, an overwhelming 80 percent said the role of the farm bill should be to preserve the family farm structure of agriculture. At the same time, our farmers are willing to do their share in deficit reduction. The majority said that no programs can be overlooked in deficit reduction, and that reductions in agriculture programs should be made as long as all programs have a fair share in spending cuts.

In regards to the future of dairy policy, most respondents feel the diversion program should be reinstated, and 77 percent favor extending the current dairy promotion assessment of \$0.15/hundredweight beyond this September.

Asked which tax credits or deductions they would be willing to give up to reduce the deficit, our farmers are most willing to give up accelerated de-

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2589

preciation followed by investment tax credit. Of the farmers responding, 72 percent said that only farmers who can show they are farming for profit—and not for a tax loss—should be allowed to deduct a net loss for farming.

In the area of farm credit, most believe the Farmers Home Administration should limit its resources to loan guarantees, and that future FmHA loans should be targeted to farm related activities rather than community projects.

Mr. Speaker, for the benefit of all my colleagues I would like to share here the complete results of my farm questionnaire:

1985 AGRICULTURE QUESTIONNAIRE

(All answers are from those actively engaged in farming)

	Per- cent
1. Which of the following do you believe has the greatest impact on farmers' net income?	
A. The budget deficit.....	28
B. The farm bill.....	31
C. Monetary policy.....	9
D. Trade policy.....	32
2. What should be the role of the Farm Bill? (You may pick more than one answer.)	
A. Guarantee an adequate supply of food to consumers.....	43
B. Allow only the most efficient farmers to survive.....	14
C. Provide a "safety net" for all farmers.....	15
D. Preserve the family farm structure of agriculture.....	80
3. As a general statement, which of the following most closely describes your attitude toward the federal government's agricultural programs (e.g., price support programs, commodity loan programs, and the like).	
A. We ought to have a totally free market with no government programs whatsoever.....	20
B. While there is a proper place for government programs in agriculture, we ought to be more market-oriented than we are today.....	55
C. The current government agricultural programs are appropriate.....	1
D. Government agricultural programs should be directed toward promoting supply management efforts.....	10
E. The Government ought to establish a strict system of bases and quotas which limit production to only that which can be used domestically and can be immediately exported.....	14
4. Many suggest that supply management (i.e., a limitation on how much an individual farmer may produce) is the solution to the problem of low commodity prices. How do you feel about the use of supply management?	
A. Every farmer should have limitations placed on his production.....	19
B. We should encourage farmers to voluntarily reduce production (like the recent dairy diversion program).....	49
C. It should not even be considered.....	32
5. Would you be willing to accept mandatory production controls in exchange for higher commodity support prices?	
A. Yes.....	53
B. No.....	45
6. Many different suggestions have been made about the future of the dairy program. Which of the following most closely describes your preference?	
A. We ought to maintain the price support/purchase program at the current price support level (\$12.10/cwt for 3.67 milk, that may become \$11.60/cwt on July 1).....	10
B. We ought to reinstate the diversion program for two years with the same terms and conditions that were previously used.....	28
C. We ought to go to a dairy specific parity that includes a supply/demand adjuster and a standby system of supply management.....	22
D. We ought to switch to a target price/deficiency payment program that provides direct payments to producers and limits individual benefits.....	15
E. We ought to eliminate the dairy price support program.....	24
7. Presently, there is no limitation on the amount of price support payments an individual dairy farmer can receive under the federal dairy program. Should an individual payment limitation be established for dairy program benefits?	
A. Yes.....	81
B. No.....	16
8. In the last year, national consumption of dairy products has increased by 2.4 percent, nearly twice the normal annual increase. Should the national \$15/hundredweight assessment for dairy products research and promotion be continued past September, 1985?	
A. Yes.....	77
B. No.....	23
9. Currently, there are almost 50 different federal milk marketing orders in operation in the United States. What should be the future of our milk marketing order system?	
A. It should be continued in its present form.....	8
B. It should be condensed into four or five orders to create a simpler, more uniform system.....	53
C. We should do away with all milk marketing orders.....	39
10. Current target price programs for wheat, feed grains, and other crops limit payments to \$50,000/individual. How do you feel about that limitation?	
A. It is too high.....	49
B. It is just right.....	31
C. It is too low.....	2
D. It ought to be eliminated.....	18

1985 AGRICULTURE QUESTIONNAIRE—Continued

(All answers are from those actively engaged in farming)

	Per- cent
11. There are those who suggest that we will continue to have significant commodity surpluses so long as the loan rates remain at current levels. In response, they recommend lowering the loan rate for a particular commodity to 75 percent of the target price for that commodity. Do you support that action?	
A. Yes, ASCS commodity loan rates should be no more than 75 percent of the target price for a particular commodity.....	62
B. No, current ASCS commodity loan rates should be preserved.....	38
12. The federal tobacco program is a system of acreage allotments and a producer-financed commodity loan program intended to be operated at "no net cost" to the taxpayers. Legislation has been introduced again to eliminate the tobacco program. How do you feel about this program?	
A. The tobacco program should be continued.....	35
B. The tobacco program should be eliminated.....	65
13. In the last few years, imports of Canadian pork have increased greatly. A recent International Trade Commission study found evidence of subsidies paid by the Canadian government to its pork producers. What should the U.S. government do in response?	
A. Nothing.....	5
B. Put a countervailing duty (i.e., a per unit charge) on Canadian pork imports entering the U.S. equal to the subsidy paid by the Canadian Government to its pork producers.....	63
C. Limit Canadian pork imports through quotas.....	28
D. Provide similar cash subsidies to U.S. pork producers.....	4
14. There are many different ideas on how to expand exports of U.S. agricultural products. Which of the following suggestions do you support? (You may choose more than one answer.)	
A. Expand the use of producer-financed export promotion through commodity check-offs.....	28
B. Expand taxpayer-financed international promotion of U.S. ag products.....	16
C. Create an "export-PIK" program where countries that purchase U.S. farm goods are rewarded with a "bonus" of surplus CCC commodities.....	42
D. Subsidize U.S. exports to the extent that the strong U.S. dollar makes them more expensive.....	18
E. Eliminate the cargo preference laws.....	20
F. Increase federal spending on the PL-480 (Food for Peace) program (current spending level is about \$1.5 billion).....	27
15. As a general statement, which of the following best describes your view of the federal government's involvement in farm credit through the Farmers Home Administration?	
A. The federal government should not be in the credit business and ought to leave farm credit to the Farm Credit System and other private lenders.....	34
B. While there is a role for the government in the farm credit issue, it should be limited to guaranteeing the loans of the Farm Credit System and other private lenders.....	39
C. The current level of federal direct lending and loan guarantees is fine.....	11
D. The government should increase its direct lending and loan guarantee activity so that no farmer is denied access to farm credit during the current credit crunch.....	14
E. The government has a responsibility to provide as much credit as is necessary to keep farmers in business regardless of cash flow or other considerations.....	2
16. Currently, the Farmers Home Administration offers loans in all of the following areas. Which, if any, of the following loans should not be offered by the FmHA in the future? (You may choose more than one answer.)	
A. Farm ownership.....	18
B. Farm operating.....	21
C. Rural housing.....	37
D. Sewer and water.....	52
E. Community facility.....	66
F. Business and industry.....	62
17. Present law permits FmHA to guarantee up to \$400,000 in commercial operating loans or make up to \$200,000 in direct operating loans to each individual producer. How do you feel about these limitations?	
A. They are too low.....	4
B. They are just right.....	23
C. They are too high.....	73
18. The use of advance ASCS commodity loans on 50 percent of a farmer's anticipated harvest to meet the immediate credit needs of that farmer has been under consideration. How do you feel about this proposal?	
A. Advance commodity loans should be made available to all farmers.....	19
B. Advance commodity loans should be made available only to those producers who have been unable to obtain sufficient operating credit for the current crop year and can show that, with these additional funds, they will be able to complete the crop year.....	30
C. ASCS commodity loans are a marketing tool and ought not be used for credit purposes.....	51
19. Is there a specific period of time within which a FmHA borrower should be expected to "graduate" from agricultural loans and move into the commercial lending market?	
A. Yes—within 15 years of his first loan.....	30
B. Yes—within 10 years of his first loan.....	45
C. No.....	25
20. Congress will again consider so-called "sod-buster" legislation this year which would penalize producers who plow and plant highly erodible land that has not been cultivated in the past. Which of the following is closest to your view of this legislation?	
A. Producers should be prohibited from plowing any new highly erodible land.....	32
B. Producers who plow new highly erodible land should be prohibited from participating in any federal price support or loan programs.....	40
C. Producers who plow new highly erodible land should receive federal price support protection only for crops not grown on that newly cultivated land.....	11
D. Producers should have no "sodbuster" restrictions placed on them.....	16

1985 AGRICULTURE QUESTIONNAIRE—Continued

(All answers are from those actively engaged in farming)

	Per- cent
21. Should the Federal government have a policy of "cross-compliance" where producers would be prohibited from receiving price support protection and federal loans unless they engage in approved soil conservation techniques?	
A. Yes.....	73
B. No.....	27
22. Another current conservation proposal is a "Conservation Reserve" where the government pays a producer to take a portion of his land out-of-production for a period of 7-15 years. How do you feel about this?	
A. We ought not have to pay producers to take land out of production.....	34
B. I would support a Conservation Reserve if funds were taken out of existing programs to finance it rather than adding to the federal deficit.....	44
C. Soil conservation is such a critical issue that I would support the establishment and funding of a Conservation Reserve even if it meant adding to the deficit.....	22
23. Which of the following tax credits or deductions, if any, would you be willing to give up if a comprehensive plan were to be put together to reduce the deficit. (You may select more than one answer.)	
A. Investment tax credit.....	31
B. Accelerated depreciation.....	50
C. Capital gains tax rates.....	18
D. Cash basis accounting.....	14
E. None of the above.....	26
24. Which of the following do you feel is a proper direction for our federal tax policy in the future? (You may choose more than one answer.)	
A. Permitting a person to deduct a net loss from farming only if he can show that he is in farming for profit (and not just to get a tax loss).....	72
B. Allowing a corporation to take Subchapter S deductions only to the extent of actual farm income.....	29
C. Permitting only those taxpayers who have derived a minimum of 33 percent of their family income from farming in the last year to file a Schedule F itemizing farm-related deductions.....	35
D. None of the above.....	10
25. As part of efforts to reduce the federal deficit which is expected to exceed \$200 billion this year and in the future which one of the following do you feel is most appropriate?	
A. Because of the crisis facing agriculture, we ought not be reducing spending on ag programs at this time.....	33
B. We cannot overlook any programs in our efforts to reduce the federal deficit and, thus, we should make reductions in ag programs so long as they are fair and equitable in relation to cuts made elsewhere.....	49
C. The government is over-involved in agriculture anyway and significant reductions can and should be made in our federal ag programs.....	19
RESPONDENT DATA	
26. Are you actively engaged in farming? (If your answer is yes, please answer the following questions as well.)	
A. Yes.....	66
B. No.....	34
27. What is the principal commodity you raise?	
A. Beef.....	5
B. Cash crops.....	13
C. Dairy.....	56
D. Pork.....	2
E. Other.....	5
28. As an adult, how many years have you been farming?	
A. 0 to 5 years.....	9
B. 6 to 15 years.....	36
C. 16 to 25 years.....	16
D. More than 25 years.....	39
29. What is your estimated debt to asset ratio?	
A. Less than 40 percent.....	59
B. Between 40 and 70 percent.....	29
C. Over 70 percent.....	12
30. What percent of your family income is earned off the farm?	
A. Less than 10 percent.....	58
B. Between 10 and 50 percent.....	21
C. More than 50 percent.....	21

A SPEECH BY MR. BRET HESTER

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. THOMAS of Georgia. Mr. Speaker, this is the time of year when those of us in the Congress have the privilege of being invited to speak before a number of school commencement programs. In high schools, colleges and universities in every corner of the Nation, we find ourselves among those who are called to address the Class of 1985.

E 2590

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

For me and I am sure for my colleagues, this is a wonderful opportunity and one of the highlights of the year. It is an inspiration to visit with our new graduates and to be charged with the energy and enthusiasm which they carry.

At the same time, I am sure that many of us are guilty as graduation speakers of the sin of being carried away with the role of dispensing our wisdom, pronouncements, and homilies. I fear that sometimes a graduation speech is more to be endured by the audience than to be enjoyed.

For that reason, I take great pride today in sharing with the House a graduation talk that contains more wisdom than most of the words that we will hear in the Congress over a long period of time.

It is the work of Mr. Bret Hester, a 13-year-old young man who delivered the Form II Address at the St. Albans School Prize Day on May 31, 1985, here in Washington.

It was a great honor for Bret to be selected to deliver the only remarks by a student at the ceremony that marked the graduation of the eighth grade from the Lower School to Upper School. The honor is even more significant when you consider that Bret entered St. Albans only 2 years ago. I will claim some parochial pride in Bret's honor, because he is originally from the State of Georgia.

Mr. Speaker, when you see Bret's words I am sure that you will share my own feelings that the youth of America carry with them an insight and an understanding that is both remarkable and reassuring.

It has been said that a school is a building that has four walls with our future inside. Bret Hester's talk gives me confidence that our future shines with promise. I ask his remarks be included in the *Record* at this point.

There are many large stones lying on the cathedral grounds that are rough and unimpressive. After they have been worked upon, polished, and finished, these stones become part of one of the most beautiful and impressive buildings in the world. One man working alone cannot build a cathedral. It takes the contributions of many workers, supervisors, and supporters to turn the plain, ordinary stone into the magnificent cathedral that you see today. That process is similar to the one we are a part of now, both as individuals, and as a class. In the lower school, we have been provided with the basics of our education, have formed friendships, and have begun developing our values. These qualities are the ones we will use as the foundation for the future.

The stone carvers at the cathedral grind and drill each individual block, making their impressions and leaving behind designs and art that people will see for many years to come. However well-crafted the cathedral might be, additions, repairs or changes will constantly be taking place. Teachers, parents, and friends have been drilling their impressions into us, helping us prepare for our immediate future, and for our eventual introduction to society as mature, contributing members. Just like the stones, our values, morals, and personalities will be

added to and changed as we open our minds to new ideas and as we meet new people.

Educating the class of 1989 has not always been the easiest task undertaken on the cathedral close. There were days when it was rumored some of us would never learn how to identify an igneous rock, conjugate a Latin verb, or begin to understand the binomial theorem. There were also times when it was rumored that the faculty wouldn't be around the next day to even try to teach us.

But we have learned, and more than academics. We have learned from each other. We have learned to respect opinions and beliefs that differ from our own. We have learned to look to our family and friends for support and understanding when things might not be going so great, and to give our best effort when our friends need it most. We have been fortunate to have dedicated teachers who believed in our potential, and who were willing to give their time and energy to help us realize our capabilities.

I don't want to mislead you into thinking we've been living in some 20th century Utopia. The competition is tough: academically, socially, athletically. And yet, that really isn't a totally negative factor. If we are to succeed, first in the upper school, then in college and graduate school, and finally in the real world, we have to learn to deal with pressure in order to perform, and to still maintain our perspective. It's never an easy task, but here at St. Albans, we have the supporting structure that makes it possible to achieve without arrogance and to fail without despair.

At St. Albans, there is also concern and compassion that makes us aware of the world beyond the close. This year, many of us participated in social service activities for the first time. Working in a soup kitchen, I met many people very different from myself. The reason for this is simple: we are privileged and fortunate. The people with whom I was working had worries about where their next meal was coming from or where they would spend the next night. Day to day survival is a real problem for them; our problems are insignificant by comparison. Although we have our own worries such as "Will I complete this assignment on time?", "Will I pass this test?", or "Will we win this game?", we cannot get wrapped up in ourselves to the extent that we forget others.

Even as we sit here today, children are starving in Africa, people are dying in the streets in the middle east and central America, and citizens in many nations are deprived of even the most fundamental human rights. At the same time, there are concerned and dedicated people working to make the world a better place in which to live. Someone may be close to discovering the cure for cancer, or a solution for famine, or a way to peace in a strife-torn area. What does this have to do with the Class of 1989 at St. Albans School?

To use the words of a song we hear every day on the radio, "we are the world, we are the children." What St. Albans has given us already, and will continue to provide through the next four years, is the mind and heart to care about the world and the people in it, and the intellectual skills and knowledge to make it possible to make a difference. Our class may not have an Einstein or a Bishop Tutu, but each and every one of us can become a worthy human being. Individually, and as a class let us take our stones and add them to the cathedral of human spirit.●

DEAR ROSTY: SENSATIONAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. DINGELL. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial which appeared recently in the *Detroit News* praising the distinguished chairman of Committee on Ways and Means for the manner in which he responded to the President's tax message last week.

As the tax proposal is studied and shaped over the next few months, Members and the American public will have very difficult choices to make. It is important that they have confidence that they will have the kind of information they need to make those choices intelligently and that the decisions be made in a spirit of bipartisanship and comity.

The editorial I am placing in the *Record* here today is convincing testimony that the chairman of the Committee on Ways and Means is winning that kind of confidence and that will stand us all in good stead in the difficult days ahead.

[From the *Detroit News*, May 30, 1985]

DEAR ROSTY: SENSATIONAL

An open letter to Daniel Rostenkowski, chairman of the House Ways and Means Committee, Washington:

In your Democratic response to President Reagan's tax message to the American people Tuesday night, you invited listeners to write you about their reactions to the campaign for tax simplification and reduction. Realizing that many people might have trouble spelling your name, you ad-libbed that they could simply send their letters marked "Rosty."

OK, Rosty, here's our response: Sensational.

As good as the Great Communicator's speech was, yours was in some ways even better, perhaps because it was so unexpected. For one thing, it took courage for a leading Democrat such as yourself to throw your weight behind a Republican president's initiative. Not since the days of Arthur Vandenberg, the Michigan Republican who have his support to Harry Truman's postwar foreign policies, have we seen such a spirit of constructive bipartisanship.

Second, you've taken a giant step toward bringing the Democratic Party home again. As you noted, the Democrats have long argued for "fairness" in taxation. But you made it clear that fairness, in your book, shouldn't be a codeword for a tax increase. "If the president's plan provides real relief for middle-income taxpayers, Democrats will follow his lead and try to hold his package together," you said.

That's the sort of sensible perspective that Democrats have been lacking for years at the national level. If Walter Mondale had listened to you, he might have been president now. (Well, at least he might have come a lot closer than he did.) Instead, when people think of Democrats these days, they tend to think of tax increasers. With one stroke, you have challenged that attitude and given your party a golden opportunity to come in from the cold.

Finally, it was just a terrific speech. Usually we flick the TV off when it comes time

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2591

for partisan responses to presidential speeches. Yours was riveting. Again, that's because you spoke affectingly to the concerns of real people, not to narrow ideological interests.

Referring to the working-class Polish neighborhood you grew up in, you noted that a lot of your friends have moved to the suburbs. "Then make more money than their parents. In most cases their lives have changed for the better. But the tax system has changed for the worse, and so has their faith in it." That's great all-American stuff, a welcome change from the politics of envy, which in recent years has driven politicians to denigrate and tax the successful in this country rather than find ways to encourage others to follow.

We're not naive. We know there's personal ambition at work here. You'd probably like to be speaker of the House after Tip O'Neill departs the scene, and this was a grand occasion to differentiate yourself from the rest of the pack.

And we realize you may have a different idea of "fairness" in the tax code than the president. You left the door ajar for those who insist that any rate cuts be "paid for" by a heavier burden on "the wealthy" and "big business." If you and the president aren't careful, left-wing demagogues could run away with the show. They have always been more interested in redistributing other people's income than in economic growth for all, which should be the real goal of tax reform.

But we understand that you'll want to find ways to put your own mark on the tax bill, and who can object? In your speech you accomplished a number of important things for which you deserve some recognition. You have rescued your fellow Democrats from the wilderness, which bodes well for American politics. You have saved tax reform from a potentially early death by placing the Reagan initiative in the great tradition of Roosevelt, Truman, and Kennedy.

And you have begun the vital process of redefining tax reform to mean primarily tax reduction (and fairness), not tax increases (in the name of a false fairness).

Fairness, after all, can be achieved by bringing tax rates down more surely than by raising them. The "rich," after all, wound up paying a bigger share of the total tax burden, not a smaller share, after the Kennedy tax cuts of the 1960s (engineered by one of your predecessors as chairman of Ways and Means, Wilbur Mills). There's nothing in the stars that says Republicans rather than Democrats should be the party of tax rate reduction.

So while we recognize that you may still have some differences with the president on tax reform, we think you deserve great credit for agreeing to work something out. That sort of spirit has been sadly lacking in Washington in recent years. As you said: "If we work together with good faith and determination, this time the people may win." To borrow a phrase the president used Tuesday night: Go for it, Rosty.●

POPULATION CONTROL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. UDALL. Mr. Speaker, as we approach a vote on this year's foreign aid bill, one of the most contested issues is the matter of aid to international or-

ganizations to be used for population control. I wish to recommend an excellent editorial from the Arizona Daily Star on the subject. As the Daily Star points out, it is irresponsible for us to confuse efforts to slow the growth of the world's population with personal views on abortion.

It is estimated that within 40 years the world's population will be nearly 10 billion. Most of these people will be in countries of the Third World and will have little chance of survival. Today we already see the effects of unlimited population growth in Ethiopia, the Sudan, and all over Africa, as well as in Asia and Latin America where food and economic resources are insufficient to meet the needs of ever-growing populations.

It is clearly in our interest to bring the world's population under control. Unchecked growth means severe strain on global resources, international security, and the environment. We must continue to provide assistance to those countries which most need family planning programs. These funds should not be held hostage in order to make a point on abortion.

I offer here the Daily Star editorial: ABORTION NOT THE ISSUE: HOUSE EFFORT THREATENS FUNDS TO KEEP FAMILIES IN CHECK

No country in the world, including China, has abortion as a policy of family planning. But that's not good enough for certain forces in Congress and the White House. They want to stop vital family planning money from going to any country where abortion is even allowed.

If that excessively strict regulation becomes law, the effect will be more population growth in Third World nations, more infant mortality, women resorting to illegal, life-threatening abortions and more hungry mouths to exacerbate famines.

Next week, the House of Representatives is scheduled to vote on a good foreign-aid bill. It allows the United States to assist voluntary family planning services and information to developing nations whose populations are doubling as rapidly as every 17 years.

But a congressman has threatened to attach to it an amendment that failed when the bill was considered in committee meetings. Die-hard congressmen want to revive it to punish struggling families in every country where the word abortion is even said aloud.

Population control in China has raised some legitimate questions about reported incidents of infanticide and coerced abortion. The foreign-aid bill withholds money from China's family planning activities. It also expresses strong opposition to involvement in China by any international population organizations if such abuse is verified.

The United States already passed a law, back in 1973, that said no U.S. money could be applied to abortion programs. That law is still followed. Coupled with the China action already in the bill, that is sufficient attention to the problem.

But a New Jersey Republican, Christopher Smith, has said he will bring back his amendment to the foreign-aid bill when it's discussed on the House floor. It would prohibit all U.S. funds to any organization that provides any funds to any countries permitting infanticide or coerced abortion. The foreign-aid bill already takes care of such

abuses. Smith's attitude isn't pro-life, it's anti-family planning.

The broad definition that he and pressure groups give the terms infanticide and coerced abortion may well include abortions that doctors consider medically necessary in countries where abortion is legal. His amendment, improperly applied, could cause cut-offs of family planning aid not just to China but to the other 114 nations that depend on the United Nations Fund for Population Activities for maternal and child health services.

Most couples in developing countries still do not have access to family planning services that enable them to control their own fertility. Infanticide and abortion are resorted to where birth-control measures are missing and ignorance flourishes.

If the administration and members of Congress really want to reduce abortions worldwide, the last thing they should do is cut off family planning funds. Those who can rationalize such cut-offs and can live with that heavy, life-costing responsibility have blunted their consciences toward human suffering.●

THE BANK BRIBERY STATUTE
NEEDS TO BE AMENDED

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GEKAS. Mr. Speaker, for criminal statutes to be effective, they must be clear as to what conduct is prohibited. Current law dealing with bank bribery is not now clear. I have introduced H.R. 2617 to make the changes which would clarify and make effective our present bank bribery law.

My proposal amends the Bank Bribery Statute (18 U.S.C. 215) that was enacted last year as part of the Comprehensive Crime Control Act. Although I strongly supported adoption of the act, I recognized then, as now, that not every line was perfect. One example, the bank bribery provision, needed clarification but was such a small part of the act that I could not allow its defects to blight prospects for passage of such landmark criminal justice reform legislation.

A necessary component of any criminal statute is an appropriate state of mind, or mens rea, which accompanies the forbidden act. Under the modern approach to law, there are four criminal states of mind: intentional, knowing, reckless, and negligent. Since the Bank Bribery Statute, as it now reads, uses the term "directly or indirectly," this generality would appear to criminalize a whole host of innocent acts performed by persons with no stated criminal intent. Therefore, in H.R. 2617, I propose that "knowingly" be added as the appropriate state of mind to correct this uncertainty.

Because of the nature of the offense of bank bribery, there should be a relationship between the conduct and the motivation of the violator which would establish a specific intent in the offense. I propose adding "with the

E 2592

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

intent to influence corruptly," to the Bank Bribery Statute because I feel that the essence of the statute has been and should be corrupt conduct.

Before its 1984 amendment, the Bank Bribery Statute focused on the receipt of gratuities by certain bank officials. Because it was a misdemeanor and limited in scope, a specific intent was not particularly necessary. But since it has now been transformed into a felony bribery statute with considerably broader application, I think it entirely appropriate that specific intent focus on the desire by the defendant to "influence corruptly." Just as there is a focus in the general bribery statute on corrupt demands or offers of gratuities, the focus of the Bank Bribery Statute should also be on corrupt influence.

A criminal statute should cast a net broad enough to catch criminals but not so wide as to ensnare the innocent. The Justice Department has said that they aren't looking for technical violators of the present law but for "cases where bribes have been a real corrupting influence." Knowing that Justice considers the law to have technical authority beyond its need should spur the House to take expeditious remedial action: H.R. 2617 is that remedy.

I encourage Members of the House to cosponsor and support H.R. 2617, the text of which follows:

H.R. 2617

A BILL to amend section 215 of title 18, United States Code, to modify the state of mind requirements for certain bank bribery and related offenses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bank Bribery Amendments Act of 1985".

SEC. 2. SECTION 215 AMENDMENTS.

(a) SUBSECTION (a) AMENDMENTS.—Section 215(a) of title 18, United States Code, is amended—

(1) by striking out "directly or indirectly," and inserting "knowingly" in lieu thereof; and

(2) by striking out "for or in connection with any transaction or business" and inserting "with the intent to influence corruptly any transaction".

(b) SUBSECTION (b) AMENDMENTS.—Section 215(b) of title 18, United States Code, is amended—

(1) by striking out "directly or indirectly," and inserting "knowingly" in lieu thereof; and

(2) by striking out "for or in connection with any transaction or business" and inserting "with the intent to influence corruptly any transaction".

THE SEVENTH ANNIVERSARY OF 197TH STREET YOUTH GROUP PROGRAM, INC.

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BIAGGI. Mr. Speaker, it is a special honor for me today to formally

recognize the seventh anniversary of an exceptional organization in my congressional district, the 197th Street Youth Group Program, Inc. Throughout the entire month of June, celebrations have been planned to commemorate 7 years of success and achievement by the youth group, and I am both proud and delighted to be part of these festivities.

The 197th Street Group Program, Inc. is a nonprofit organization which was established in May 1978 by a group of young adults who wished to create a positive atmosphere for the children in the Bronx community in which they live. These young people recognized the fact that juvenile delinquency is a stark reality in some communities in this country, and have sought to decrease this terrible growing problem by organizing activities and encouraging youngsters to participate. By inviting the children to take part in all types of educational and athletic events, the youth group has opened new doors for children who otherwise might not be utilizing the full extent of their God-given potential.

Some of the programs provided by the youth group include indoor and outdoor swimming, bowling, sightseeing in New York and surrounding areas, tours of museums, zoos, parks, and other places of interest. I have had the honor of spending time every year with a group of youngsters from the youth group who come to Washington, D.C. for a brief stay and who spend an afternoon visiting the Halls of Congress. I am always proud of these young people for they show an acute interest in and concern for the way our Government works and the intricate processes involved in introducing and passing legislation. I know that these youngsters have bright futures ahead of them.

The 197th Street Youth Group Program has been an effective and efficient organization since its inception, but this success could not have been achieved without the capable leadership of the many parents, families, and hardworking volunteers who staff it. There is one particular individual who I can say is directly responsible for the success of the program—the executive director; Ricardo Gonzalez. I have known Ricardo for some time now, and I see the very special relationship he has with the children in the program. He has earned their respect by working hard and in turn as has become an example for many of these young people to follow. His leadership abilities have been outstanding, and I am pleased to salute him as well as the Youth Group Program celebrates this historic occasion. Together with Michael Evans, the board chairman, they have witnessed the fruits of their labor, and I know they will continue to provide the guidance and supervision needed in the coming years.

In conclusion, may I take this opportunity to congratulate not only the

staff, but all the children who have participated in the program over the last 7 years. Without their cooperation and enthusiasm, we would not be celebrating this anniversary this month.

I wish the 197th Street Youth Group Program, Inc. many more years of success.●

TOXIC AIR EMISSIONS POSE MAJOR HEALTH THREAT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. FLORIO. Mr. Speaker, earlier this year my colleague, Congressman HENRY WAXMAN, undertook an innovative survey of the American chemical industry which was designed to ascertain the rates of emissions of toxic air pollutants from major U.S. chemical plants. The results of this survey have now been analyzed and they reveal that such uncontrolled emissions pose a significant public health threat for our citizens.

Several days ago, Congressmen WAXMAN, WIRTH and I introduced legislation designed to deal with this environmental hazard both by compelling the Federal Government to develop adequate controls on such emissions and ensuring the right of communities around such facilities to be informed of the hazards they pose. We have waited for years for the Environmental Protection Agency to fulfill its statutory mandate in this important area, but the Agency remains paralyzed and we simply cannot tolerate any further delay.

I commend to my colleagues' attention the following New York Times article on the Waxman survey.

PROBLEM OF TOXIC EMISSIONS—OFFICIALS FIND LACK OF DATA A HINDRANCE

(By Stuart Diamond)

In Parkersburg, W. Va., a million pounds of a Government-listed carcinogen are released into the air each year from a chemical plant owned by the Borg-Warner Corporation.

The chemical is acrylonitrile, also called vinyl cyanide. In its liquid state, the chemical is clear and flammable. It is used to make hard plastics for computer terminals, telephone receivers and other products.

There are no Federal or West Virginia standards that control emissions of acrylonitrile, and Borg-Warner says the Parkersburg emissions are safe. If the plant were in Philadelphia, however, such emissions would be double the safe limit established there. And in New York State they would be 50 percent above the limit.

Instances of toxic air emissions have only recently been recognized as a significant pollution problem. The new awareness is due partly to studies that increasingly relate sickness to chemical emissions. Improved instruments detect more emissions. Some chemical experts now say toxic emissions from plants are the main air pollution danger, even more serious than problems at dumps, the target of a Federal clean-up effort.

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2593

Interest in the subject has skyrocketed since Dec. 3, when a poison gas leak at the Union Carbide Corporation's pesticide plant in Bhopal, India, killed about 2,000 people and injured 200,000.

But officials have been stymied in dealing with toxic emission problems. There is a dearth of information on chemical producers and emissions. Disagreements have erupted over who should regulate emissions, judge new technologies and decide if remedial action is necessary.

"Toxic air pollution has emerged as the most important air pollution problem, but it is also the most difficult," said S. William Becker, who manages two Washington associations of air pollution officials. "It is newer. Less is known about it. There is not enough information in many cases to know how to proceed. There are many dilemmas."

C.L. Knowles Jr., director of environment, safety and health for the Olin Corporation, said most chemical companies do not measure and report all toxic air emissions accurately. Many jurisdictions accept estimates.

If the Government were to require precise measurement and reporting, he said, "the nation would learn an awful lot more about emissions." He added, "We might find it less scary—or more so."

Despite the absence of systematic studies, however, much information on toxic air emissions has begun to emerge. The largest chunk of data is from a survey of 86 major chemical companies conducted this year by the House Subcommittee on Health and the Environment, headed by Representative Henry A. Waxman, a California Democrat. More than 10,000 pages of information were gathered.

During the past month, The New York Times analyzed the panel's findings and interviewed chemical executives, regulators, environmentalists and others about the survey. The result is a picture of today's chemical industry that shows slow changes beginning in the assessment and control of chemical air pollution.

Among the conclusions are these:

Much of the tens of millions of pounds of toxic chemicals spewed into the air annually is not specifically regulated.

At many companies, emissions are not haphazard but a result of conscious judgments that balance economics against safety.

Emissions and their disclosure vary widely among companies, partly because of different attitudes.

Most chemical plant emissions come from a few large plants—less than 10 percent of all facilities.

Old plants, with more primitive emission controls, emit far more toxic chemicals than new plants.

Many companies are improving their emergency planning to protect nearby residents in case of accidents.

"The industry runs the complete range of companies that are responsible, moderately responsible and irresponsible," said Harold J. Corbett, senior vice president of the Monsanto Company. There has been a "tremendous impetus" since the Union Carbide accident to upgrade the average through peer pressure, he said, but the process is slow.

Toxic emissions generally consist of four types: synthetic organic chemicals, such as benzene, made from oil and natural gas; natural organic chemicals such as asbestos, and metals such as mercury, cadmium and nickel. Many of these substances can cause cancer and are dangerous in small concentrations.

Such emissions usually do not include inorganic combustion products such as sulfur dioxide and nitrogen oxides. These are far less dangerous in similar concentrations and

do not cause cancer. They are usually associated with respiratory problems, eye irritations and photochemical smog only when discharged in huge amounts. Such emissions, which were the focus of air pollution regulation from the early 1970's until recently have been sharply curtailed with controls on automobiles and factories.

EFFECTS ON HEALTH DEBATED

The health effects of toxic emissions are hotly debated. Many of the substances cause cancer in laboratory animals and have been linked to workers' diseases but almost always in higher concentrations than are found near chemical plants and sometimes involving entry into the body other than by inhalation. The tons of airborne chemicals, when dispersed, usually result in a few parts per billion or trillion at the plant fence. Some of the emissions decompose after a few weeks in the environment, although others, such as carbon tetrachloride, remain for decades.

Nonetheless, some studies have found more cancer near chemical plants, although such data are inconclusive. Scientists say additional study is needed. But regulators worry that the potential danger may warrant action before all the studies are completed, which may take years.

"One has to be concerned about tons of these cancer-causing substances going into the community," said Peter F. Infante, who directs carcinogen assessment at the Occupational Safety and Health Administration. "The more carcinogens, the more we are increasing our probability of getting cancer."

PANEL GATHERS STATISTICS

Over all, the House subcommittee's survey found more than 62 million pounds a year of toxic chemicals being released from at least 302 plants in 34 states. More than 120 chemicals were involved, including the cancer agents benzene, vinyl chloride, asbestos, chloroform, carbon tetrachloride, acrylonitrile and formaldehyde. There were also significant releases of lead, mercury, cadmium and bromine. The heaviest concentration were in Texas, Louisiana, West Virginia, Kentucky, Ohio, New Jersey and New York.

Yet that appears to be only a small fraction of the total releases. In Philadelphia, for example, the survey found four toxic chemical emitters, but city officials have found 750. In New York the survey found 19 toxic emitters, while state officials say there are actually more than 12,000.

The Congressional study was intended to check on only some of the largest chemical producers. Besides chemical plants, however, there are hundreds of thousands of other sources, including chemical haulers, chemical storers, dry cleaners, electroplating facilities, trash-burning plants and wood-burning stoves.

One lesson learned from the study is that a complete survey would probably need the force of law, including the threat of penalties.

RESPONSES TO SURVEY VARY

In response to the Congressional inquiry, some companies, such as the Dow Chemical Company of Midland Mich., submitted 300 pages of data.

Others, such as Reichhold Chemicals Inc. of White Plains, sent a letter challenging parts of the survey as ambiguous and submitting no data. "It's an individual decision for each company," said A.F. Vickers, Reichhold's environmental director.

Some, such as the Upjohn Company, declined to provide data, citing concern about confidentiality. By contrast, the Ciba-Geigy Corporation said, "None of the information which you have requested is confidential."

Based on the survey, large companies such as E.I. du Pont de Nemours & Company, Dow and Union Carbide generally emit the most toxics.

A few large plants appear to emit most of the toxic chemicals. About 61 percent of all benzene emissions tabulated in the survey, for example, came from five plants of the Shell Oil Company's chemical division in Texas, Louisiana and Illinois.

Two Diamond Shamrock Corporation plants in Texas and Delaware and a Vulcan Materials Company plant in Louisiana emitted 56 percent of the carbon tetrachloride. About 58 percent of the vinyl chloride was emitted by an Occidental Petroleum Corporation plant in Pottstown, Pa.

STATUS OF OLDER PLANTS

Some of the plants that are the biggest toxic emitters were built decades ago. Borg-Warner's 39-year-old plant at Parkersburg, W. Va., emits 500 times more acrylonitrile per ton of output than its 1982 plant with computer controls and recycling systems at Bay St. Louis, Miss., the company said. But changing the Parkersburg plant would be impossible without virtually gutting it, according to a Borg-Warner spokesman, Robert A. Hess. "It's a complex process of valves, storage vessels, fittings and process vessels that work together as a system," he said.

Emission practices vary. At Magnolia, Ark., Dow says, its control systems result in no detectable emissions of corrosive bromine. Yet, a nearby Ethyl Corporation plant emits 137 tons of bromine a year.

SOME OF MAJOR SUBSTANCES

The chemical that is emitted the most, the Congressional survey found, is methylene chloride—8.2 million pounds annually, coming from many plants. It is a paint remover and refrigerant that can irritate respiratory passages, cause blood changes and affect the central nervous system.

More than three million pounds each of ammonia, benzene, butadiene, chlorine, ethylene dichloride, toluene and xylenes are emitted every year. About 2.6 million pounds of acrylonitrile are emitted at 37 sites.

The survey found relatively small emissions of isocyanates. These include methyl isocyanate, known as MIC, which caused the tragedy in India. Union Carbide reported releasing 160 pounds of MIC a year at Institute, W. Va., and 188 pounds a year at Woodbine, Ga.

State limits on such emissions often are much more restrictive than workplace standards because the general public is continually exposed and has a higher proportion of sick, young, old or otherwise vulnerable people.

But judgments vary. Connecticut divides by 600 the worker limits set by Washington's Occupational Health and Safety Administration. Philadelphia divided the limits by 420, New York State by 300 and Louisiana by 20, based on 24-hour exposure.

Some states are now targeting the largest emitters for improvement and ordering old plants to install the best available control technology.

"All of the interest in toxics is resulting in tighter controls," said Gustave Von Bodungen, Louisiana's air quality administrator. ●

E 2594

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

WOUNDED SOUTH AFRICAN
BLACKS FACING ARREST AT
HOSPITALS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. LELAND. Mr. Speaker, earlier today on the House floor I expressed my deep concern over recent reports that described how police in South Africa are interfering with the medical treatment of blacks.

I urge my colleagues to read the following Washington Post article that appeared on the front page of the June 5 issue:

WOUNDED SOUTH AFRICAN BLACKS FACING
ARREST AT HOSPITALSDOCTOR'S RUSES DECEIVE WATCHING POLICE
(By Allister Sparks)

JOHANNESBURG.—Police officers were watching the patients register at a big hospital for blacks in the South African city of Port Elizabeth when a young man came in with shotgun wounds in his chest and left arm.

A wiry little Indian doctor with sharp eyes, Mandikat Juta, later described here how he leaned across to the admissions clerk and declared: "This is Dr. Brown's gardener. Injured himself with a screwdriver. Admit him to my ward."

Juta, of the Port Elizabeth hospital staff, says he has been smuggling patients into his ward and treating them secretly for two months because the police in eastern Cape Province, where most of South Africa's prolonged racial unrest has been, keep watch at all the region's hospitals to arrest any black person admitted with gunshot wounds.

The mere fact of such a wound, especially from a shotgun, is regarded as evidence that the person was involved in a riotous crowd that clashed with the police, Juta says.

The wounded person is immediately placed under arrest, and an armed guard is posted at his bedside. According to Juta, some patients are handcuffed to the bed.

When the patient is discharged from the hospital, he is taken to a police cell, then to a court to be charged with riotous behavior.

Juta and a white doctor in private practice in Port Elizabeth, Gavin Blackburn, gave this account of police action regarding blacks injured in unrest in the region, where 129 persons have died since March 21, at a meeting of concerned doctors and paramedics held in the Medical School of Johannesburg's Witwatersrand University last week.

The meeting was called by the National Medical and Dental Association of South Africa (Namsa), which broke away from the officially recognized Medical Association of South Africa because of the latter's failure to act against the doctors who treated black consciousness leader Steve Biko before he died in police custody in 1977.

Namsa's eastern Cape branch has protested what it regards as police interference with doctor-patient relationships during the current unrest in the area.

It issued a statement recently accusing the police of intimidating and arresting patients in hospitals, of placing them under arrest in their beds and sometimes confiscating their medication when they were transferred to police cells. It said the police had instructed some private doctors not to treat patients in their offices but to send them to the hospitals, so that they could be arrested there.

Accusing the authorities at the state-run hospitals to being in collusion with the police, the medical body, which has about 650 members countrywide compared with 6,000 in the officially recognized group, said sections of the hospitals where the wounded blacks were treated were closed to the public. Catholic priests had been told they could not go into these sections to administer last rites to dying patients; the statement said.

Namsa said many wounded blacks had gone without treatment because they were afraid to go to the hospitals and were turned away by nervous private doctors. A few had tried to operate on themselves to extract shotgun pellets, resulting in infections. Some patients had died through lack of medical attention.

Asked to comment on the Namsa allegations, a spokesman at police headquarters in Pretoria said: "Since we do not know the parameters of the Kannemeyer Commission's terms of reference, we are unable to comment."

The Kannemeyer Commission is investigating the police shooting of 20 members of a black crowd near the eastern Cape town of Uitenhage March 21, and the South African authorities take the attitude that they should not comment on this incident until the commission has reported.

Judge Donald Kannemeyer, the commission's chairman, said when the hearings started that they would focus only on the massacre itself and not probe general conditions relating to unrest in the region.

Juta said he was one of "maybe three or four" doctors out of a staff of 120 at Port Elizabeth's Livingstone Hospital who had tried to circumvent the police net to treat patients clandestinely. He said they risked their jobs as provincial government employees, adding that "I might even be dismissed for addressing this meeting."

Blackburn said he was one of several private doctors who had set up a rudimentary clinic in a church hall in Uitenhage, where they attended to wounded blacks who were afraid to go to the hospitals.

"We have no sterile facilities. There is no hot water, no X-ray equipment, so we don't know where the bullets are to extract them. There really isn't much we can do except give the patients penicillin injections," Blackburn said.

Juta said he had done a voluntary stint at the church hall and realized it was imperative to get some of the patients to a hospital.

"The only way," he said with mock irony, "was to do something irregular and improper. I admitted them to my ward under a false diagnosis."

As an example, the Indian doctor said, he had admitted one patient whose jaw had been shattered by a bullet as a case of "right facial palsy."

"The police had taken over the first and second floors of the hospital, and I was on the third floor, so they didn't really know what was going on up there," Juta said with a chuckle.

"The main problem was to stop the nurses from talking, and above all to keep [the head nurse] from finding out."

There had been a nasty moment, Juta said, when one of the police guards tried to date his medical assistant, but he had managed to persuade her to stand him up.

He found it awkward, too, when he had needed to consult medical specialists about these falsely registered cases, and book anesthetists.

"How can you explain to your consultant what you are doing? How much can you depend on your colleagues to go along with your irregular conduct?" Juta asked. He said

he sought to treat the patients as quickly as possible and get them out of the hospital before the police learned they were there.

Sometimes specialists insisted that the patients be hospitalized for a week or more, which increased the risk of discovery and of his own dismissal.

Juta said he found the behavior of the police in the wards "unnerving."

"They walk about the hospital in camouflage fatigues carrying sten guns and automatic rifles. They smoke where there are no-smoking signs. They play cards in the wards, and they fingerprint patients pre- and post-operatively."

Still, he said, the situation in his hospital was not as bad as at the Uitenhage hospital, "which is like a military camp. Police trucks move into the Uitenhage hospital compound as often as ambulances."

Blackburn said a senior police officer had threatened to arrest the doctors treating wounded blacks in the church hall: "He told us we were obstructing the course of police activity."

A security police officer had demanded that one badly injured man be handed over to him, but the elderly woman doctor who was treating the patient refused, according to Blackburn.

A black man hit in the eyes with a charge of buckshot had gone to a private doctor in Uitenhage's black township of Kwanobuhle, Blackburn recounted.

The doctor had telephoned for an ambulance, but a security police car had arrived instead to take the man to hospital.

The patient was placed under arrest in the hospital, with two armed police at his bedside.

Although his eyes were bandaged, he was handcuffed to the bed, Blackburn said.●

REMARKS OF ECUADOR'S PRESIDENT
LEON FEBRES CORDERO
BEFORE HIS ALMA MATER—
STEVENS INSTITUTE OF TECHNOLOGY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GUARINI. Mr. Speaker, today I am pleased to share with my colleagues the recent remarks of Ecuador's President Leon Febres Cordero on accepting an honorary doctorate from his alma mater, the Stevens Institute of Technology, in Hoboken NJ.

President Cordero graduated from Stevens in 1953 at the top of his class. Well equipped with an analytical mind and a degree in engineering, he rapidly advanced from student to engineer to industrialist to statesman. His life in part reflects the sound preparation and challenging education he received from Stevens Institute. His achievements attest to the value of the rigorous academic curriculum provided by this fine institution.

I am very proud that Stevens Institute of Technology is located in the district which I represent. I salute the presentation of this doctoral degree to an outstanding alumnus.

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2595

STEVENS INSTITUTION OF TECHNOLOGY, MR. CHAIRMAN EMERITUS OF THE BOARD OF TRUSTEES: I HAVE THE HONOR TO PRESENT TO YOU, LEON FEBRES, CORDERO, CLASS OF 1953

The yearbook for the Class of 1953 bears a unique dedication. It was neither an inspired teacher nor a beloved counselor who drew the students' admiration. It was rather "the future of mankind." In the students' own words, "We must realize that the future of the world is . . . the responsibility of each and every one of us. The individual holds the power in the palm of his hand and it is up to him to use it."

How prophetic these words were for one member of the class, Leon Febres Cordero, President of the Republic of Ecuador. He is the sole son of Stevens to join that unique fellowship of individuals who hold in their hands the capability of shaping the destiny of our world.

When he was an undergraduate here, Mr. Febres Cordero was known for his intellectual prowess, his enthusiasm and boundless energy, his determination and relentless drives. Combining a rigorous academic schedule and a myriad of extracurricular activities, he graduated with high honor at the top of his class. The personal attributes that led to his success at Stevens have taken him along the path from student to engineer to industrialist to statesman.

Today, as president of Ecuador, facing the greatest challenges of his career, Mr. Febres Cordero can draw upon problem-solving approaches he first mastered as an engineering student at Stevens. With professional engineering credential that few world leaders possess, he can offer special insight into the complex problems facing mankind. His voice, raised on behalf of the positive results of technological innovation, commands international respect.

Mr. Febres Cordero has stated, "Everything I learned, I learned at Stevens." We thank you, sir, for this most generous endorsement, and in turn, say to you that your extraordinary achievements inspire us all. From Castle Point to the pinnacle of responsibility and power in the Republic of Ecuador, your promise has been so richly fulfilled.

I ask you, Mr. Chairman Emeritus, to confer upon His Excellency Leon Febres Cordero the degree of doctor of engineering, honoris causa.

KENNETH C. ROGERS,
President.

FREDERICK L. BISSINGER,
Chairman Emeritus of the
Board of Trustees.

APRIL 10, 1985.

ACCEPTANCE REMARKS OF LEON FEBRES CORDERO, PRESIDENT OF ECUADOR

Without any doubt, your gesture has a special connotation for me; not only because of the high honour you are today bestowing upon me, but also and fundamentally because it brings me back to a period of my life which can never be forgotten; a period spent in this institution to which I owe my intellectual formation, most of my knowledge and the basic principles on which I have based the development of my ways of life.

The degree of Doctor Honoris Causa, which you have just granted me, does commit my gratitude to you, who represent, not only an institution of the highest academic standards, but who also fulfill the spirit of this nation: heroic in the compliance of duty, profound and austere in its obligations, and totally dedicated to the enhancement of science and technology.

In this educational environment, I spent a very important part of my life. Here I made

everlasting and true friendships, and it was here that I acquired not only a sound education, but also the will to fight for noble causes, the character to overcome obstacles, and the strength not to succumb to negative emotions and passions.

These tools I have used with tenacity, to obtain the trust of a people which has put upon my shoulder the very grave responsibility of conducting its destiny.

In so doing, I have not surrendered my principles, nor have I deviated from my firm convictions. On the contrary, I have presented myself to the people in a frank and authentic fashion; I have spoken with sincerity on the principles of the market economy; I have opposed, without any fear, the demagogic posture of extreme leftist tendencies and statism.

I have spoken about the capabilities of the human being and his free will, of the need to foster the development of a society in which bread, shelter and jobs are available to everyone. I was fortunate to have the favorable response of my country men, to the service of whom I am now totally committed.

The degree with which I have been honoured on this day, I take back to my country with sincere pride and deep satisfaction; and with you I leave the warmest feelings of my people and the permanent gratitude of this alumnus.●

BOSTONER REBBE FULFILLS DREAM IN ISRAEL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. FRANK. Mr. Speaker, though the determination and perseverance of a great religious leader, a dream has become a reality in Jerusalem. More than 50 years ago the Bostoner Rebbe, Rabbi Pinchas Horowitz, began his efforts to establish a community in Jerusalem. That effort was unsuccessful during the difficult days of the Great World Depression before the establishment of a State of Israel gave security and protection to the Jews seeking to settle in that part of the world, which is so important to the Jewish people. But Rabbi Pinchas Horowitz's efforts were continued by his son, the current Bostoner Rebbe, Grand Rabbi Levi Horowitz. Through his efforts, the township of Kiryat Boston is now a fact. And it will soon be for many religious Jewish families, a home.

The story of the establishment of Kiryat Boston through the efforts of Grand Rabbi Horowitz was detailed in an interesting story in the Jewish Advocate of Boston earlier this year. In recognition of the extraordinary leadership which the Bostoner Rebbe, Grand Rabbi Levi Horowitz, provides to his congregants and indeed to the entire Boston area and as a further illustration of the strong bonds that exist between the American Jewish community and Israel, I ask that this article be printed here.

Like many others, I regret the fact that we will have less of the time of the Bostoner Rebbe in our area. His leadership in the area of medical

ethics, to cite just one example, has been very important to us. And I have enjoyed frequent conversations with him on topics ranging from religious to political and back again. But as Congregation Beth Pinchas President Barry Goldman says, "Everyone is entitled to fulfill their dreams," and that certainly includes our friend the Bostoner Rebbe.

The article follows:

[From the Jewish Advocate, Feb. 21, 1985]

KIRYAT BOSTON BLOOMS IN JERUSALEM'S HILLS

(By Dale V. Norman)

It might be unrecognizable to a Boston Brahmin, but there is a piece of the Hub rooted in the hills of Jerusalem.

Grand Rabbi Levi Yitzchak Horowitz (the Bostoner Rebbe) was instrumental in creating this religious township, which is part of the Jerusalem municipality, and is known as Kiryat Boston. The Rebbe met with the *Advocate* recently in his Brookline headquarters overlooking Beacon Street, to discuss this new settlement and future plans to divide his time between his duties here and in Kiryat Boston.

"My first trip to Palestine was in 1934 when my father arranged my bar mitzvah in Jerusalem," the Rebbe related. At that time, the Rebbe's father, Rabbi Pinchas David Horowitz, purchased a parcel of land just outside the new city of Jerusalem.

"He hoped to establish a Boston community in Jerusalem and bought land from the Arabs . . . At that time, to think of buying land in Israel was a far-off concept," he noted.

However, after a third unsuccessful attempt to resettle his family in Palestine, Rabbi Pinchas had to return to Boston due to economic difficulties. In 1936, the Rebbe, his mother, and little sister returned to Boston and later met Rabbi Pinchas at the railroad station. "There was no smile or happiness on his face . . . My father was distraught . . . His dream was shattered and he never could get over that," the Rebbe said sadly.

Rabbi Pinchas, also known as the 'Bostoner Rebbe', died in 1942. In 1946 his body was transported from its resting-place in Williamsbury, N.Y., to Israel, where it was buried on the Mount of Olives. Catastrophe struck the family in 1948 when this grave, along with many others became part of Jordan. This land was finally recaptured by Israel in 1967.

Along with the grave, the plot of land that had originally been purchased by Rabbi Pinchas, was again part of Israel. However, there was no simple solution available for the Horowitz family to obtain the land. As the Rebbe explained, "Immediately after the war the Israeli government took over that area of land."

The Rebbe related that he made a pilgrimage to Israel that year—and for the next 17 years. "To convince the government to give back our land . . . We wanted the land to fulfill my father's dream to build Kiryat Boston and Givat Pinchas—a synagogue . . . Finally, after many years of chasing, they've allocated a piece of land to build 200 apartments in the area of Har-Nof."

The Israeli government notified the Rebbe that he had an official presence in Israel—for which he will eventually have to raise approximately one-half million dollars.

Located East of Jerusalem, the land earmarked for Kiryat Boston was given to the Rebbe in 1980. "It is very beautiful," the

E 2596

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

Rebbe reflected, "Looking out of a window, one has an almost complete view of Jerusalem. It is very cool in summer and the air is clear and clean."

During October 1983, Mayor Teddy Kollek of Jerusalem wrote to the Rebbe, "I am happy to inform you that with intensive intervention on the part of the City good progress is being made on Har-Nof and I hope that everything will come to a speedy and satisfactory conclusion. The first families are moving in these very days."

Physically, Har-Nof is divided into two building phases, and Kiryat Boston is part of the latter phase. There are people presently living in the lower lying areas of Har-Nof, while in what will be Kiryat Boston, only roads and sewage foundations have been built. "This whole community is supposed to be a religious one—with a total of 2,000 families," he explained.

The Rebbe owns two apartments in the area. "One adjacent to the synagogue for Shabbat, and a larger one." The first synagogue has been completed, and was presented to the Rebbe by Mayor Teddy Kollek.

The synagogue has been named 'Givat Pinchas', (The Heights of Pinchas), which is the original name chosen by the Rebbe's father. "We have been thrown into a viable good community and our Shul is the central point of Har-Nof. Therefore, Kiryat Boston has now been extended," he said.

The Rebbe related that approximately 100 families have bought apartments in 'phase one' of this area. "I think Kiryat Boston will be great . . . Many Americans and Israelis feel comfortable in the setting we provide . . . When I go there—I'm mobbed," he enthused.

Synagogue services began officially during the High Holy Day Services of 1984. "After 50 years our dream was realized . . . Kiryat Boston perpetuates what my father wanted when he purchased the land in 1934 . . . Many Bostonians live in Israel and want to come home again—They can do so and be in Jerusalem," he stated.

The upcoming prolonged absences of the Rebbe and his family from Boston will have a profound influence on members of the Congregation Beth Pinchas community of Brookline. Barry Goldman, president of the Congregation told the *Advocate* in a Tuesday conversation, "The Rebbe has been involved in Boston for many years now . . . Everyone has a dream—his dream is to spend more time in Israel. We have to look at this unselfishly as he has done so much for Orthodox Jews in Boston." Goldman concluded, "When he's not here there's a void, but everyone is entitled to fulfill their dreams. I just hope that as Kiryat Boston develops he will share his time with all of us." ●

WHAT HAPPENED TO THE
BRIGHTEST AND THE BEST?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. RANGEL. Mr. Speaker, I rise to express my absolute dismay at Ronald Reagan's continuing inability to appoint noncontroversial people to top positions in his administration.

The controversies involving James Watt and Raymond Donovan are the most notorious examples of Reagan's poor judgment. Most recently, Marianne Mele Hall, chairwoman of the Copyright Royalty Tribunal, resigned

amid heated debate about her association with a blatantly racist publication. These are not isolated incidents, and should not be viewed as such. Rather, they are part of a pattern of incompetent selection.

The Reagan administration is not an administration of the brightest and the best. I think that the Marianne Mele Hall incident should have dispelled any remaining doubt of this fact from the American conscience. I would like to submit the following article into the CONGRESSIONAL RECORD, and ask my colleagues to be cognizant of how poor our President's judgment can be in selecting his advisers.

(From the New York Daily News, May 7, 1985)

WHO'S PICKING THE BAD APPLES?

(By William Raspberry)

They have unearthed another one. At an obscure federal agency, tucked away in her new \$70,000-a-year job, is Marianne Mele Hall, "co-author" or "editor" of a thin, privately published volume called "Foundations of Sand."

It is the book's thesis that one of the problems confronting America is that blacks "insist on preserving their jungle freedoms, their women, their avoidance of personal responsibility and their abhorrence of the work ethic." Also culpable, it contends, are the social scientists who "put blacks on welfare so they can continue their jungle freedoms of leisure time and subsidized procreation." If that strikes you as thinly disguised racism, you are wrong. It is racism that is vicious, brutal and disguised not at all.

Hall, who was confirmed a month ago as chairman of the Copyright Royalty Tribunal, says now that she really wasn't a "co-author" of the 71-page book, as she described herself on a Senate questionnaire.

"I edited that work—period," she told a reporter, as though it matters.

The crucial facts are that she is openly associated with a piece of racist trash (hers is one of three names listed on the book's cover) and that she has been appointed to office by a President whose administration manages to keep finding appointees with strange views.

Sometimes the views are merely bizarre, as in the case of the now-departed Eileen Gardner, who explained that the government shouldn't try to help the handicapped because "nothing comes to an individual that he has not, at some point in his development, summoned. Each of us is responsible for his life situation."

Sometimes they reflect a sort of conservative naivete, as in the case of those who dreamed up "constructive engagement," imagining that the South African government could be sweet-talked into abandoning its fundamental racism.

Sometimes they are reactionary, as in the case of the Reagan nominees to what has come to be called the U.S. Commission Against Civil Rights.

Even now, William Bradford Reynolds, the associate attorney general for civil rights, is deliberately stirring up racial mischief. He is inviting school districts to dismantle desegregation plans long in place and he is trying to force city governments to reopen long-settled affirmative-action hiring programs in their police and fire departments.

Isn't it time to acknowledge that these things are not aberrations of the Reagan administration, but its themes?

Isn't it worth recalling that in 1980, Reagan, the "nice guy" to whom charges of

racism refuse to stick, chose to start his Southern campaign swing in Philadelphia, Miss., whose chief claim to fame is that it was the site of the murder of three civil rights workers? Isn't it worth remembering that it was Reagan's idea, as President, to grant federal tax exemptions for segregationist schools?

Isn't it time to wonder whether it is merely accidental that the Reagan administration, in its enthusiasm for budget cutting, has proposed to cut out the Job Corps, the Work Incentive Program and the Small Business Administration and has managed to cut to shreds the "safety net" the President said he would leave in place to protect the disproportionately black poor?

By its attitudes, by its appointments and by its actions, the Reagan administration has become the most actively anti-black administration in recent memory.

It no longer suffices to look at the Marianne Mele Halls as the occasional, accidental bad apples. It's time to turn some serious attention to the man in charge of the barrel. ●

LEARNING TO LIVE WITH
METRIC

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WHITEHURST. Mr. Speaker, many Americans are still doubtful about the need for conversion to the metric system, at least partly because they find it difficult to understand or to learn.

In the June, 1985, issue of National Geographic, Wilbur E. Garrett, the editor, included a brief, but cogent, editorial on the subject. I am pleased to share it with my colleagues, because I think it puts the whole matter in perspective.

The editorial follows:

When we began a gradual, methodical conversion to the metric system eight years ago, beginning with scientific articles and supplement maps, we expected resistance but not the vehemence of some of the complaints. We were called "pinko Commies, un-American, and traitors," as well as "just plain stupid."

Not everyone was against us, but as usual our critics were more vociferous than our supporters—by a wide margin. Since 1981 we've received close to 400 letters of complaint, versus only 29 in support of metric. In that same time 73 members (out of more than ten million) have resigned in anger.

It was a case of shooting the messenger who brings bad news. Few of us were thrilled by the need to learn new ways of measuring, but it was obvious that change we must.

Every nation in the world has adopted or is now committed to metric except three—Burma, Brunei, and the United States. The Olympics, as in Los Angeles last year, are run entirely in metric. Our national parks now use both miles and kilometers on signs. Because of NATO, our Department of Defense is moving to full metric standardization.

As is usually the case when our purses are endangered, we listen very carefully. What we are hearing is that the European Economic Community has set a 1989 deadline for all imports to be entirely metric. In

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2597

Japan metric must now be used in all commercial transactions. Sixteen percent of the 1,000 leading U.S. firms have reported losses for failure to supply in metric.

The result: "Pinko Commies" aren't the only ones hearing the metric message.

General Motors cars are almost 100 percent metric, Chrysler 70 percent, Ford 50 percent. Seventy-one percent of the *Fortune* 500 companies manufacture a metric product. Forty percent of the wrenches now sold by Sears, Roebuck are metric.

For those like myself who still haven't fully converted their brains to metric, the *GEOGRAPHIC* will continue to use metric where appropriate and give customary U.S. equivalents when feasible.

Despite claims to the contrary, the dinosaurs did not go away overnight, nor will the older standards. The world has learned to live without dinosaurs. In time we'll all learn to live with metric.●

HERO COP—PAUL RAGONESE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BIAGGI. Mr. Speaker, President Reagan has often made the point that heroes are a valuable commodity in our society. I would certainly agree, especially after learning of the recent heroics performed by New York City Police Detective Paul Ragonese.

Most of the Nation has heard news reports of the 65-ton crane that fell on the streets of New York City last week trapping Brigitte Gerney underneath for nearly 6 hours. Those same news reports told of the tremendous courage exhibited by Ms. Gerney as she waited for rescuers to free her crushed legs. We were also told of the miraculous work of the Bellevue Hospital microsurgery team that managed to save her legs.

What many of those news reports failed to mention, though, was the bravery and compassion exhibited throughout this terrible ordeal by then officer, now Detective Ragonese. According to a New York Post account of the incident:

Ragonese, a 35-year-old veteran emergency services cop, crawled beneath the overturned crane last week on the East Side and spent 6 hours holding (Brigitte Gerney's) hand, praying and keeping her spirits up until she was freed.

Detective Ragonese had this reaction to his efforts, which are universally being acclaimed as heroic: "What I did was really nothing," he said. "All I did was what I believed any human being should do for another human being. The only real hero out of this is Brigitte Gerney."

Ms. Gerney had a different view of the situation. She told Mayor Koch after her surgery that "what kept me alive was that (Detective Ragonese) held my hand, and I knew I was alive because he held my hand."

It should be noted that helping people in distress and saving lives is not something new to Detective Ragonese. When only a 19-year-old police

trainee, he managed to keep a suicidal man on the 911 emergency line long enough to trace the call and save him. Later in his career, he sifted through a New York City sewer to find the diamond engagement ring a young woman had dropped. He nearly drowned in 1982 while trying to rescue a woman who had made a suicide plunge into the East River. He risked his own life again just last year when he climbed eight stories and inched his way out on a steel girder to talk a love-sick teenager out of committing suicide. All totaled, Detective Ragonese has received 27 medals for these and other examples of outstanding police work.

According to Paul Ragonese, what he did "was what I believed any human being should do for another human being." Such a simple philosophy, and to think that we have always assumed it took so much more to be a hero.

Brigitte Gerney, we are told, will walk again. Paul Ragonese has been promoted to detective. And, as a 23-year police veteran, I am proud to say the law enforcement profession stands a little taller. Sadly, it has taken a terrible tragedy to give us at least two unsuspecting heroes and a special feeling that comes with another person's suffering turned good. Perhaps the best that can be said is thank you Brigitte and Paul for the powerful inspiration you have given us.

At this time, Mr. Speaker, I wish to insert two articles that appeared in the New York Post discussing the heroics of Paul Ragonese in more detail:

[From the New York Post, June 4, 1985]

APPLE OF OUR EYE

CRANE HERO COPS A BIG PROMOTION

(By Richard Esposito and Ann Giordano)

Hero cop Paul Ragonese, who crawled under a toppled crane to comfort a woman whose legs were crushed when it fell on her last week, was rewarded by the city today: he was promoted to detective.

"What I did was really nothing," Ragonese said after Police Commissioner Benjamin Ward and Mayor Koch presided over a ceremony at which he received the coveted gold detective's shield.

"All I did was what I believed any human being should do for another human being," said Ragonese, his blue dress uniform festooned with 27 medals for outstanding police work earlier in his career.

"The only real hero out of this is Brigitte Gerney," he added.

Ragonese, jammed into a cramped position, stayed with Mrs. Gerney, 49, for nearly six agonizing hours until the huge crane could be lifted from her.

His own legs cramped and numb from his contorted position, he was pulled away from the scene at Third Av. and 63d St. last Thursday.

"I couldn't physically remove the crane myself, so all I could do was comfort her," Ragonese said.

"The best reward is that she is alive," he said, as his wife Rose and two young daughters watched proudly. "That is the only real reward."

Ragonese said he planned to visit Mrs. Gerney today at Bellevue Hospital, where her legs were saved by a microsurgery team.

"I can't profess enough how great that woman is," Ragonese said at Police Headquarters before he was formally promoted.

"I'm more nervous about going to see her than going to this promotion," he said, his voice choking with emotion.

"She's an incredible woman. She's the bravest person I ever met."

The cop, tears welling in eyes as he relieved the endless hours he spent with Mrs. Gerney, said:

"After 10 minutes of talking with her, I said, 'If anybody's going to survive this, it's going to be her,' because she's a fighter. She fought death from beginning end.

"She didn't give in to the pain, which must have been incredible, and she never panicked. She never said, 'get me out of here, I can't take it anymore.'"

"All I did was hold her hand. I gave her communion. We prayed.

"If anybody ever doubts there's a God, after this I find it incredible," he said. "This was definitely a miracle."

And he also had high praise for the whole city.

"If anybody doubts New York's the greatest city in the world, from the Mayor on down... people were unbelievable," Ragonese said.

Mayor Koch, who attended the ceremony, credited Ragonese with helping save Mrs. Gerney's life.

He said that when he visited the injured woman, she told him:

"What kept me alive was that he held my hand, and I know I was alive because he held my hand."

"Now that's an extraordinary thing," Koch said.

Ragonese said he hoped to attend a party to celebrate Mrs. Gerney's recovery. "And believe me, I want the first to dance with her," he added.

[From the New York Post, June 5, 1985]

CRANE COP TURNS COURAGE INTO A CAREER

(By Ann Giordano and Paul Tharp)

The lives he's helped are too many to count.

You see, Paul Ragonese has been a hero since he was a kid.

Whether it has keeping bullies off his little brother or teaching retarded kids how to hug and laugh, the construction-crane hero has been doing what he does best—helping people.

His latest "save," East Side accident victim Brigitte Gerney, is on the mend.

"I didn't know the real reason why I became a police officer until I discovered it was to help others," the 14-year veteran said.

That came when he was a 19-year-old trainee on the Police Dept., answering emergency calls to 911.

One caller wanted to commit suicide, but the gentleness and understanding of Ragonese kept the would-be victim on the phone for an hour and 15 minutes, enabling police to trace the call and save the man.

Throughout the city, there are men, women and children who always will remember how Ragonese changed their lives, and gave to them what they didn't expect.

There was the young woman, Nora Benjamin, who dropped her diamond engagement ring in a sewer in Greenwich Village, weeping that it was lost forever. But Ragonese—who has a soft heart and a strong stomach—climbed into the filthy sewer on Sept. 6, 1982, and strained the muck for one hour until he found her ring.

Ragonese has risked his own life—dozens of times—to save people hell-bent on killing themselves.

E 2598

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

He nearly drowned in the East River on Sept. 28, 1982, trying to rescue a middle-aged woman who leaped in. He struggled with her for 20 minutes, trying to keep her head above water while she fought to die.

"I was just trying to save her," he said at the time. "I didn't think about myself."

Another time, on June 13, 1984, high above Broadway on Times Square on a teetering steel construction grider, Ragonese calmed a love-sick teenager who wanted to jump.

Inching out, eight stories above the sidewalk, Ragonese managed to help get a rope around the youth, Chris Sanchez, 16, and lower him to safety.

Even Gov. Cuomo's father-in-law, Charles Raffa, 78, said he owes his life to Ragonese's quick actions. Raffa was beaten savagely in a May 22, 1984, mugging, but Ragonese got Raffa aboard a helicopter for a race to a hospital where an operation saved his life.

But only hours later, as he wound up his shift, he was shot trying to save the life of an emotionally disturbed person trying to kill himself in a lower Manhattan apartment.

Ragonese was shot in the thumb when he threw his hand over his face to deflect the bullet fired by the deranged man.

Ragonese, the eldest of six children, always watched over the family while his father, a butcher, worked late.

He recalled that when he was 12, weighing a hefty 220 pounds, he took on a mob of five kids that was beating his kid brother, Arnie. "I showed them the error of their ways," he said.

But brawling was not in character for Ragonese. He was a star athlete and altar boy at Xaverian HS in Brooklyn.

His interest in helping others was realized during summers as a teenager by teaching at a retarded home in Marine Park, Brooklyn.

"One kid, Jimmy, was 5 and he was my favorite. He couldn't walk and was partially blind. I looked out for him because he needed someone."

Ragonese went on to St. John's University and St. Peter's College to earn his degree, and joined the Police Dept. "because my dad always stressed civil service." ●

COMPREHENSIVE HEALTH CARE IMPROVEMENT ACT OF 1985; CATASTROPHIC HEALTH CARE EXPENSES ASSISTANCE ACT OF 1985

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. SABO. Mr. Speaker, today I am introducing two bills which will assist individuals in confronting medical expenses as we continue to search for ways to contain rising health care costs.

A major problem we face along with our Nation's staggering Federal deficit is the skyrocketing cost of health care. This trend puts a great strain on the Federal budget as well as on the private sector. It also affects the quality of medical care that most Americans can afford.

The Comprehensive Health Care Improvement Act of 1985 would provide access to health insurance at group rates, provide low-income people with

assistance in buying insurance, and protect all citizens from catastrophic health costs. It places a major emphasis on encouraging private businesses and individuals to provide comprehensive health insurance for their employees and for themselves. The bill would fill in the gaps in the current system of private insurance, Medicare, and Medicaid. The proposal is based upon a comprehensive health insurance and catastrophic health coverage bill passed into law in 1976 while I was speaker of the Minnesota House of Representatives.

My proposal consists of three major parts: Title I ensures that all persons have the opportunity to purchase adequate health plans; title II creates a State-Federal program to assist low-income people in buying health insurance policies or Medicare supplemental policies; and title III creates an optional State-Federal program of catastrophic health insurance for all Americans should their health costs exceed insurance coverage.

While the Federal deficit has overshadowed debate about national health insurance plans in recent years, the Census Bureau reports that 35 million Americans lack health insurance. My proposal does not call for drastic changes in existing programs or a large government organization. Assuring all Americans access to adequate coverage is too important to postpone discussion on the issue. If every State were to participate fully in the program, the Federal contribution would be about \$1.4 billion. This relatively low cost is possible because of the emphasis that is placed on private insurance and the requirement that States share in administering and financing the program. It is not necessary to scrap the current health insurance system, we simply need to fill in the gaps. By building upon this system we can assure that everyone will have access to proper coverage and improve the health and quality of life for all Americans.

The Catastrophic Health Care Expenses Assistance Act of 1985 is the same as title III of The Comprehensive Health Care Improvement Act.

A summary of the bills follow:

THE COMPREHENSIVE HEALTH CARE IMPROVEMENT ACT OF 1985 THE CATASTROPHIC HEALTH CARE EXPENSES ASSISTANCE ACT OF 1985

Title I: Establishes a standard of "qualified" health insurance plans and requires that all plans be plainly labeled "qualified" or "non-qualified."

There are four "qualified" plans:

Plan A provides minimum benefits of 80% of medical costs, limits the 20% co-payment to no more than \$3,000 a year, sets a maximum benefit of not less than \$250,000, and a deductible of not more than \$150.

Plan B is the same as Plan A but with a maximum deductible of not more than \$500 a year.

Plan C is the same as Plan A with a maximum deductible of not more than \$1,000 a year.

Plan D defines Health Maintenance Organization plans as equivalent to a Plan A.

The bill also defines qualified Medicare supplement plans as those with benefits equal to at least 50% of costs not covered by Medicare, a maximum co-payment of \$1000 a year, and a maximum benefit of not less than \$100,000 a year.

The Department of Health and Human Services should delegate certification of insurance plan qualification to state insurance regulatory bodies whenever possible.

Title I requires that all business firms which employ ten or more persons offer Plan A or B to its employees. There is no requirement that a firm pay for an offered plan, nor is there a requirement that employees accept a plan. But employees will have an opportunity to get qualified insurance at group insurance rates. These plans must also cover dependents and must be fully convertible if the individual leaves the group.

States would be required to establish a state-wide pool of all health insurance companies. This pool will offer qualified insurance to any individual at group rates. This provision establishes a group of all persons not eligible for a regular group plan such as the self-employed, those in firms with less than ten workers, and many rural Americans. Allows firms to pay all or part of the premiums of the pool insurance so that small firms not usually eligible for group insurance can assist their employees with insurance premiums.

Title II: Establishes a federal-state program to assist low income persons in purchasing insurance made available in Title I.

Federal government pays 50% of the cost up to a maximum of \$5.00 times a state's total population. Maximum federal liability would be about \$1.2 billion matched by at least \$1.2 billion in state funds for a \$2.4 billion program.

States would not be required to establish a program. Those that design a program would have wide flexibility in designing plans to suit their own states' needs. States would be able to experiment with total subsidy of purchase, cost-sharing, or sliding fee schedules.

The bill would help senior citizen couples where one spouse requires long-term nursing home care. Currently, a substantial amount of a couple's income and assets must be spent before they are eligible for medical assistance. The bill would allow states to set more flexible income and asset requirements in those cases so that the healthy spouse is not left with inadequate funds.

Title III: The Catastrophic Health Care Expenses Assistance Act of 1985 creates an optional federal-state program of catastrophic health insurance for all Americans.

After an individual has exhausted existing coverage, the program would cover at least 90% of all medical costs exceeding the greater of \$2,500 or 30% of household income up to \$15,000, 40% of income over \$15,000 and less than \$25,000 and 50% of income over \$25,000.

The federal government would pay 75% of the costs of the program, with a maximum of \$2 times the population of the state involved. The maximum federal cost would be about \$460 million with a minimum state match of approximately \$154 million. ●

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2599

THE COURIER-NEWS ON TAX REFORM

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. COURTER. Mr. Speaker, the Courier-News, a leading editorial voice in New Jersey, recently published an outstanding essay on tax reform that I would like to share with my colleagues.

The Courier-News points out that by removing the poorest Americans from the tax rolls, lowering marginal rates, and treating all types of income more fairly, the President's tax reform proposal is in the general interest, and against the special interests.

I urge my colleagues to review this excellent editorial as the tax reform debate proceeds.

A REVOLUTION WORTH FIGHTING

"No taxation without representation" was a rallying cry of the American Revolution. President Reagan hopes to lead a Second American Revolution on the premise that taxation can be pretty bad even with representation.

He's right. Americans are confused and embittered by a tax system that seems designed for special interests. And Reagan's reform is revolutionary.

It would cause a huge shift of the tax burden from individuals to corporations. Total taxes from individuals would be reduced by about 7 percent; corporate taxes would rise about 9 percent.

It would cause a huge shift among individuals. About 80 percent would pay less or the same amount. The other 20 percent—those who use a lot of the deductions that would be eliminated or curtailed—would pay more.

And Reagan's plan would cause a huge shift among businesses. Many smokestack industries that pay little or no tax by claiming certain credits and deductions would pay more. But many service and consumer industries that have been paying at rates up to 46 percent would pay less; the maximum rate would be reduced to 33 percent.

These shifts represent dozens of changes in the tax code. Each change will be resisted by those who would lose by it, no matter the overall benefits of tax reform.

Indeed, to get some idea of the pleas each senator and member of Congress will hear, consider what the president of the National Hockey League says about the tax deduction for corporate purchases of hockey tickets: "Sport . . . reaches something in each of us that inspires the individual and endows him with a sense of fellowship . . ."

If eliminating the business deduction for hockey tickets will leave us a nation uninspired, then the consequences of the President's whole tax package are too horrible to contemplate.

The President's plan is far from perfect and should be dissected. It no doubt will be combined with features of other tax-reform proposals, such as that of Sen. Bill Bradley of New Jersey and Rep. Richard Gephardt of Missouri.

Many New Jerseyans, for instance, would be socked by the elimination of deductions for state and local taxes. The Congressional Research Service estimates the average Jersey family that itemizes would pay an additional \$1,129 a year in federal taxes. However, many New Jerseyans do not itemize, and even many who do would have the loss offset by a reduced tax rate.

Some specific provisions, such as the taxation of employer-paid medical benefits, could be improved. The president would leave in place tax breaks for the oil and gas industry that no other industry would enjoy. And there's nothing magic about having only three individual tax rates.

But overall, the kind of tax reform envisioned by Reagan would be very good for this country.

It would lead investors to put money in productive enterprises instead of tax shelters. For example: There is a glut of office space in America's cities because of real estate tax breaks; that money could instead be working to make companies more competitive in international markets.

It would eliminate taxes for families living in poverty.

It would make individual taxes fairer because all types of income would be treated more equally, and many tax shelters used only by the wealthy and sophisticated would be eliminated.

The President and Congress will have a hard time keeping their minds on the overall benefits of tax reform, however, as individual interests collide and cajole to protect their favorite tax provisions.

That is why Reagan and the Democratic chairman of the House Ways and Means Committee, Dan Rostenkowski, have appealed to the majority of Americans who support tax reform to let their representatives know it.

Tomorrow we will help provide you an opportunity to show that support, or to show your opposition. We will publish a brief survey on tax reform. We will tabulate the results and let you know what they are. Then we'll forward your survey to the appropriate member of Congress.

We like the type of tax reform that President Reagan has proposed. But whether you do or not, taxes touch us all, and you should let your representative know what you think. ●

VETERANS HEALTH CARE BUDGET CANNOT BE REDUCED FURTHER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MONTGOMERY. Mr. Speaker, the House and Senate are expected to go to conference next week on the budget for fiscal year 1986. Many Federal programs will be affected. The decisions we must make will not be easy. We all have different priorities.

A very high priority of mine is veterans health care. I want my colleagues to fully understand the impact of any budget reductions in funds to operate the VA's health care system. Who is better able to relate the problems in the field than the people in the field?

According to the Chiefs of Staff at VA hospitals nationwide who responded to a recent survey, inadequate budgets are already taking their toll. More cuts in the budget will mean longer waiting lists, the turning away of certain nonservice-connected veterans, and delays in many surgical procedures.

There follows a report from the Chief of Staff at the VA Medical Center in Seattle, WA:

VETERANS ADMINISTRATION,

Seattle, WA; January 28, 1985.

HOWARD H. GREEN, M.D.,
Chief of Staff (11), VA Medical Center, White
River Junction, VT.

DEAR HOWARD: The following information, pertaining to the Seattle VAMC, is provided in response to your letter dated January 2, 1985:

- (a) Size of hospital—300 beds.
- (b) Affiliated?—Yes; with University of Washington School of Medicine.
- (c) Projected dollar deficit as of January 1, 1985—0.
- (d) Impact of dollar deficit—Not applicable.
- (e) Solutions you have devised—Not applicable.

(f) Other comments—As you know, I left the University Drive VAMC in Pittsburgh in November 1984, to become the Chief of Staff of the Seattle VAMC. The University Drive facility is struggling with serious financial deficits and has not devised successful strategies to cope with the fiscal shortages. The pharmacy runs out of important inventories near the end of each quarter, ward supplies are often seriously limited, linens are in short supply, and delays in replacing personnel have limited some important clinical functions.

I agree with Dr. Wolcott's conclusion "that 'enough is enough.'" I am pleased that you and he, as Chiefs of Staff, have initiated this request for information and that you are attempting to raise our level of consciousness of these serious financial problems. However, the dialogue must be extended to involve directors, regional directors and pertinent VACO officials. I wonder how these individuals would respond to your request for information.

Sincerely,

STANLEY J. GEYER, M.D.,

Chief of Staff. ●

UNSUNG HEROES GIVE LAW DAY, U.S. CONSTITUTION, NEW MEANING

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues in the U.S. House of Representatives a column in the May 4 edition of the New York Times written by Mr. Eugene Fidell.

The article discusses a little-known national holiday, Law Day, and reminds us that we in the United States are privileged to have the right to protest or picket; to speak our minds to the elected officials who represent us; and to hold and express views that are different from those of our neighbors.

Mr. Speaker, Mr. Fidell makes some interesting and very relevant points about the freedoms that we enjoy in this country. This column is extremely timely and effectively brings home the importance of the principles our democracy is founded upon—tolerance, protection by law of our civil liberties, and the right to think and live as we choose. The article follows, and I would like to ask all of my colleagues in the U.S. House of Representatives

E 2600

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

to take note of this excellent piece by Mr. Fidell.

LET US NOW PRAISE UNFAMOUS MEN
(By Eugene R. Fidell)

Let's push aside the cast of reputable—and conventional—characters that clutter the podiums each year on Law Day, sermonizing on the principles of order that, we are told, are the glue of society. Instead, we should reserve space on this minor, but important, national holiday for the unsung heroes—society's soreheads.

We should honor every neighborhood activist who dares ask a question in a town meeting.

Every rumples and disgruntled holder of two shares of stock who takes the floor at the corporation's annual meeting.

Every write-in candidate.

Every taxpayer who fights back during an I.R.S. audit.

Every citizen who uses the Freedom of Information Act and who writes his or her Congressman with instructions on how to vote.

Every last person who comments on proposed Federal regulations.

Picketers of all shapes and sizes, including every "street crazy" who patrols public buildings with sandwich signs deploring injustices, real and imagined.

Every writer of letters to the editor, jailhouse lawyer, holdout juror, contestor of jaywalking tickets, filer of small claims.

Every objector to advertising on license plates.

Everyone who wears a beard when shaving is in fashion, and shaves when beards are in vogue.

Every proud owner of an Edsel.

Everyone who actually puts a suggestion in the suggestion box.

In sum, everyone who is different and wants to remain so.

These are our fellow citizens whose "saint's day"—Law Day—was observed Wednesday. In all their disorder, noise, ability to annoy, pride of difference; in all the expense they impose on our courts, legislatures, schools, businesses; in all their pious beauty, the celebration was theirs.

Let us, therefore, honor them, for, by their very being, they breath life into our Constitution, perhaps more effectively than the loftiest discourse on the First Amendment. Imagine a world without them—and the grandeur of that document gains meaning. ●

HONORS—SOCIETY OF FELLOWS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. LEVINE of California. Mr. Speaker, I am pleased to call to the attention of my colleagues the fact that the University of Judaism recently inducted Allen Ziegler into its Society of Fellows.

This unique and highly privileged honor was an extremely appropriate one for Allen Ziegler who has devoted so much of his time, energy, and resources to the University of Judaism and a host of other community activities.

I ask unanimous consent to include, at this time into the RECORD a copy of Allen Ziegler's biography as it was presented at the 35th annual commence-

ment program of the University of Judaism on the occasion of Allen Ziegler's induction into the Society of Fellows.

HONORS—SOCIETY OF FELLOWS

Allen Ziegler—With his induction into the Society of Fellows, philanthropist and industrialist Allen Ziegler joins a select group of individuals honored by the University of Judaism as outstanding patrons of Jewish education and learning.

"Allen Ziegler is a rare human being, generous to a fault, and deeply devoted to the Jewish people," said Dr. David Lieber, president of the University of Judaism. "Though he prefers to keep in the background, he has shown the way to others, freely giving of himself to further our religious heritage."

Mr. Ziegler's dedication to the education of future Jewish generations is reflected in the University of Judaism and Camp Ramah, both of which he helped found and has supported generously throughout the years. The Ruth and Allen Ziegler Administration Building on the UJ's Sunny and Isadore Famlan Campus, a student scholarship, and a cabin at Camp Ramah which bears the Ziegler name are just a few of many Ziegler gifts.

The University of Judaism also has benefited from Allen Ziegler's counsel and advice as a longtime member of the Board of Directors and its Executive Committee. In 1960, he was honored by the Patrons Society as the first recipient of the Eternal Light Award for his tireless efforts on the university's behalf.

A second-generation member of Sinai Temple, where he became a bar mitzvah in 1928, Allen Ziegler was one of the people who made it possible for the synagogue to move to its present location on Wilshire Boulevard. One of his proudest memories is of the day he, his sisters, and brothers brought their then 86-year-old mother to the dedication of Sinai's Ziegler Hall, named in honor of his father. Mr. Ziegler has held a number of offices at Sinai, including president, and his myriad contributions to the synagogue moved the congregation to name him Honorary Life President.

Many other organizations have been the recipients of Allen Ziegler's generosity and good will. Cedars-Sinai Hospital, which boasts the Ziegler Laser Research Laboratory for the Reestablishment of Coronary Circulation, recently honored him with its "Heart of Gold" Award for his years of service and involvement. Mr. Ziegler is a charter member and Gold Card member of the Beverly Hills B'nai B'rith Lodge, and has been an avid supporter of the City of Hope, Jewish Homes for the Aging, the UJA, and Israel Bonds.

Westco Products, of which Mr. Ziegler serves as Executive Vice President, is the leading bakery supply manufacturer in the Western United States, and one of the largest of its kind in the country. It has been the Ziegler family business for more than forty years.

Both Allen Ziegler and his wife Ruth are USC alumni, and continue to support the school's Alumni Association. Mr. Ziegler also is a graduate of the USC School of Law.

Dr. David Lieber offered this observation about Allen Ziegler: "Time and again, he has proven himself to be an extraordinarily loyal friend, who can be counted on whenever we need him."

The University of Judaism warmly congratulates its longtime friend, Allen Ziegler, on his induction into the distinguished company of the Society of Fellows. ●

PENSION PLAN PARITY FOR THE SELF-EMPLOYED

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. JEFFORDS. Mr. Speaker, today my colleague, BILL CLAY, and I are introducing legislation of a technical nature to complete the process begun in 1982 to eliminate distinctions in the pension law between qualified plans for the self-employed and their employees (H.R. 10 plans) and the plans maintained by corporations. Generally, our bill extends the principle of parity embraced under TEFRA (the Tax Equity and Fiscal Responsibility Act of 1982) to the one area overlooked in that legislation—that is, to loans made to plan participants under H.R. 10 or so-called Keough plans.

In making the 1982 changes, Congress believed that the level of tax incentives made available to encourage an employer to provide retirement benefits to employees should generally not depend on whether the employer is an incorporated or unincorporated enterprise. Similarly, Congress believed that the rules needed to assure that the tax incentives available under qualified plans are not abused should generally apply without regard to whether the employer maintaining the plan is incorporated or unincorporated.

By amending section 4975(d) of the Internal Revenue Code and section 408(d) of ERISA (the Employee Retirement Income Security Act of 1974) to permit certain participant loans, our bill removes the major remaining impediment to full pension plan parity for the self-employed. Specifically under present law, a qualified corporate plan is permitted to make a loan to a plan participant if certain requirements are met. Generally, the loan must bear a reasonable rate of interest, be adequately secured, provide a reasonable repayment schedule, and be made available on a basis which does not discriminate in favor of employees who are officers, shareholders, or highly compensated. The technical amendments under the bill would extend the identical corporate plan requirements with respect to participant loans to the plans maintained by the self-employed. Given the corrective nature of these amendments, we anticipate these changes to be taken up this year in the context of technical corrections to the appropriate statutory law. The text of the bill follows:

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2601

H.R. —

A BILL To amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to permit certain loans from employee benefit plans to owner-employees and shareholder-employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF INTERNAL REVENUE CODE TO PERMIT CERTAIN LOANS FROM QUALIFIED PLANS TO OWNER-EMPLOYEES AND SHAREHOLDER-EMPLOYEES.

Subsection (d) of section 4975 of the Internal Revenue Code of 1954 (relating to exemptions from prohibited transaction provisions) is amended by striking out "(other than paragraphs (9) and (12))" in the sentence following paragraph (15) and inserting in lieu thereof "(other than paragraphs (9) and (12), and, except in the case of an individual retirement plan, other than paragraph (1))".

SEC. 2. AMENDMENT OF ERISA TO PERMIT CERTAIN LOANS FROM EMPLOYEE BENEFIT PLANS TO OWNER-EMPLOYEES AND SHAREHOLDER-EMPLOYEES.

Subsection (d) of section 408 of the Employee Retirement Income Security Act of 1974 is amended by striking out "and subsections (a), (b), (c), and (e) of this section" and inserting in lieu thereof ", subsections (a), (b) (other than paragraph (1) thereof), (c), and (e) of this section, and subsection (b)(1) of this section in the case of an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1954)."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.●

THE CONSUMER BANKING ACT OF 1985

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. SCHUMER. Mr. Speaker, earlier this week I introduced the Consumer Banking Act of 1985. It is my hope that this legislation will help bring about needed reforms in a rapidly changing banking industry that has left the average consumer often confused and sometimes abused.

The U.S. banking system touches the lives of virtually every citizen of this country on a daily basis, yet few segments of our society are as far removed from meaningful consumer control and accountability as our financial institutions. The banking industry has undergone radical changes in style and structure over the past few decades, yet its centuries-old image as an aloof and mysterious business is as valid as ever for the majority of American citizens.

While many of the changes that have ripped through the banking world in recent years have been publicly justified on the basis of their "benefits to consumers," for the most part these changes have been suggested by, lobbied for, and enacted, either legislatively or by regulation, in order

to benefit one or more segments of the banking industry. So, in this new world of banking, just what do consumers see?

They see fees and charges rising rapidly, sometimes being notified of changes when they show up as a deduction on their monthly or quarterly statement.

They see banks placing "holds" on their checks far in excess of the time it takes to collect the funds, earning interest on the float while the consumer is denied access to his or her funds.

They see banks leaving their neighborhoods preferring to pursue risky new "high flyer" opportunities than to lend to the local small businessman or homeowners.

More and more of them, and particularly those with low incomes, see the doors closing to them, as restrictive requirements have made bank accounts too costly or inaccessible.

They see a multitude of mortgages (and, increasingly, other loans) offered with a variable interest rate, with no standardized way to compare them, each advertised in a different way, and few of them understandable in plain language.

They hear about the banks that offer the "good" deals on basic services, but can't seem to find them, and even have difficulty getting information out of the banks to facilitate their own comparison shopping.

They know that many of the most important decisions affecting their relationship with banks and thrifts are made by regulatory agencies or courts, but frequently they are powerless to affect the outcomes in these forums, as they lack a voice that can speak for them with the expertise and depth of knowledge necessary for effective representation.

There is a dramatic need to reexamine the entire financial service system from the consumer's perspective rather than the industry's for once—the ordinary consumers, the ones who pay the bulk of the bank fees, the ones whose bedrock confidence in the system is its most valuable asset, but whose confidence is being worn down by the feeling that they are not being treated fairly by their bank.

They know, as events in Ohio and Maryland have poignantly shown them, that sometimes the bank they are doing business with is not as solid as it seems, and that they should get more information about it, but they don't know the first place to begin and have no one to turn to for help.

That is why I am introducing the Consumer Banking Act of 1985, which is the result of such a consumer-oriented reexamination of the banking system. This has been a major undertaking, and I need to thank a number of individuals and groups whose efforts have been essential to the research and development of this bill. They are: Ralph Nader, the Consumer Federation of America, Public Citi-

zen's Congress Watch, Consumers Union, U.S. PIRG, the Center for Community Change, the Bankcard Holders of America, and the National Committee Against Discrimination in Housing.

A summary of the bill follows:

SUMMARY

TITLE I EXPEDITED FUNDS AVAILABILITY

Current bank practices involve holding periods ranging from 1 to 15 days, even though the Federal Reserve testified that 99 percent of all checks are paid in two days, and most of the rest of them are paid shortly thereafter. This provision shortens the maximum time that a financial institution may "hold" a check to 1-3 days, depending upon the category of checks, with exceptions for checks which present a high risk of loss to the institution of deposit.

TITLE II CONSUMER ACCESS TO DEPOSITORY INSTITUTIONS

This provision requires all financial institutions to offer a basic "lifeline" checking account to all consumers with a small initial balance requirement, and no fees or charges for a limited package of services. Account holders would be allowed 8 free checks per month, with a \$1.00 per check charge thereafter, and could not be assessed any charge for maintenance of the account or for making deposits.

In addition, depository institutions would be required to offer (for a charge equal to the reasonable costs of processing) consumers a check cashing card which would allow the holder to cash any government check without charge.

TITLE III TRUTH IN DEPOSITING

This provision requires all depository institutions to maintain a schedule of fees, charges, terms and conditions applicable to each account it offers. The information on the schedule must include, among other things, information on minimum balances required to open or maintain an account, maintenance charges, per transaction charges, early withdrawal charges, balance inquiry charges, and interest rates.

The interest rate disclosure must include a statement of the interest rate, deposit period, method of compounding, and the "annual percentage yield", a standard measure of interest rates that allows comparison between different interest rate options. Advertisements for deposits would also be required to disclose this information.

TITLE IV CONSUMER-BAISED PREEMPTION

This provision will provide that, unless Congress explicitly provides otherwise, federally-chartered banks, thrifts, and credit unions must comply with all state laws which provide better consumer protection, better promote community reinvestment, or better protect against credit discrimination than federal law. In New York, for example, the state issued regulations governing check hold periods, only to have the Federal Home Loan Bank Board preempt the law for federally-chartered thrifts. Actions like this will be prevented by this provision.

TITLE V ADJUSTABLE RATE MORTGAGE PROVISIONS

This title has three parts. First, it amends the Truth in Lending Act to require a detailed disclosure of ARM terms to prospective borrowers, including a "worst case" scenario, in which the lender must disclose the maximum interest rate and payment that could be required under the mortgage, and the earliest dates on which such rate or payment might take effect.

E 2602

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

Second, this title applies certain safeguards to all ARMs, including a two percent annual interest rate cap, five percent life-of-loan cap (based in the initial rate), and a cap on negative amortization at the purchase price of the home.

Third, it helps promote a consumer-oriented adjustable rate mortgage by requiring institutions which receive federal net worth guarantees must offer a mortgage in which annual payment increases are determined by the average growth in wages rather than by the cost of funds, and negative amortization is limited to one fifth of the average appreciation rate of homes in the U.S. The Federal National Mortgage Association will be directed to purchase these mortgages from the origination institutions.

TITLE VI FINANCIAL INSTITUTIONS CONSUMER INFORMATION AND REPRESENTATION ASSOCIATIONS

In order to help consumers cope with the modern financial world, this title will provide non-financial federal support for the formation of statewide membership associations of financial institutions consumers. The purpose of these associations is to promote the interests of consumers in financial service matters, by conducting research, surveys, and investigations, and by representing, informing, and educating consumers in financial service matters.

The federal support offered to these institutions will be the right to place inserts into a limited number of deposit statement mailings of federally-insured financial institutions, in order to inform consumers about the association, and to survey them about financial services. Any additional cost of mailing caused by the insert will be borne by the association. Such associations offer a low-cost, non-regulatory, self-help approach to consumer protection in financial services.

TITLE VII COMMUNITY REINVESTMENT ACT AMENDMENTS

This title rewrites and expands the current CRA to insure that financial institutions meet the credit needs of the communities they service, including low- and moderate-income neighborhoods, consistent with safety and soundness.

Principal changes to the Act include:

Requiring public disclosure of CRA rating (from No. 1 to No. 5, with No. 1 being the highest), and allowing public comment on preliminary ratings of No. 1 or No. 2 before a final rating is given, both of which are necessary to improve the quality of CRA examinations;

Limiting interstate expansion only to those institutions with the top two ratings;

Limiting the use of real estate equity investment powers on a sliding scale linked to the CRA rating, similar to proposed regulations in New York state; and

Enacting a system of assessments and rebates supervised by the FDIC and FSLIC in which institutions with poor CRA ratings would face a monetary sanction, and institutions with the best CRA ratings would receive a benefit. Such a provision would give teeth to the enforcement of the Act.

TITLE VIII EQUAL ACCESS TO FINANCIAL SERVICES

Prohibits depository institutions from adopting or maintaining any policy practice or standard which results in denying or discriminating in the availability or terms of financial services because of race, religion, sex, or national origin, unless such policies, practices, or standards are justified by proof that they are required by reason of safety and soundness or other business necessity.●

HONOR THOSE WHO MADE THE ULTIMATE SACRIFICE

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. McKERNAN. Mr. Speaker, I wish to direct my colleagues' attention to an article written by one of the foremost leaders of veterans in Maine, Mr. Daniel E. Lambert, for Memorial Day, 1985.

Dan Lambert is the State adjutant of the American Legion of Maine and the chairman of the Maine Veterans Coordinating Committee. He is widely respected throughout the State of Maine by both veterans and nonveterans.

On the occasion of Memorial Day, 1985, Dan eloquently wrote of Americans who made the ultimate sacrifice for their country. He wrote of honoring their deaths on that special day and remembering the reasons why they were willing to make sacrifices. Dan reminds us that we must also reflect on the peace and freedom that these sacrifices have made possible.

I ask that Dan Lambert's article, which appeared in the Bangor Daily News on Memorial Day, May 27, be inserted in the CONGRESSIONAL RECORD so all may have an opportunity to read it.

The article follows:

HONOR THOSE WHO MADE THE ULTIMATE SACRIFICE

(By Daniel E. Lambert)

Today we pay homage to those who have given their lives for this country.

All across the nation, in tiny church-yards and in rolling national cemeteries, Americans are pausing to pay tribute to their loved ones and their friends.

It is in those moments, with sadness and with pride, that we remember those who died to keep this nation free.

It is a time of reflection, it is a time of honor, it is a time of renewal.

Tradition compels us to reflect momentarily about why Americans have died in far-off countries. The simple answer is: They died in defense of their country. The total answer is not so simple.

Freedom is a tangible thing. Devotion to the preservation of freedom—ours or someone else's—is not so tangible.

Reflect for a moment, if you will, about that passion, that all-consuming desire to allow peoples all over the globe the choice of freedom. It is in the American spirit to champion freedom. It is ingrained in the character of every man, woman and child. It is something we are willing to die for.

Tradition on Memorial Day also gives us pause to honor those who, in their desire for freedom, gave their lives so that others could live in peace because peace, too, is ingrained in every American's character. We honor our dead in many ways. We offer speeches. We give them rifle salutes. We offer prayers in their names. We cherish their memories.

Today, all across the nation, Americans will place flowers and small flags on final resting places of those who died to keep this nation free.

Everywhere, in solemn ceremonies, other Americans will show their gratitude and

honor for those who stood up to be counted when their country needed them.

The dead have given all they have to us. It is for us to repay them in a special way. It is for us at this time each year to instill in every generation, now and yet to come, a deep appreciation and full understanding of the meaning of why they died.

Americans who die at Shiloh and Gettysburg did not die in vain. They bought with their lives, a united nation and secured equality under the law for everyone.

Americans who died "over there" were the price our great nation paid to avoid oppression and ruin.

And Americans who died in faraway lands, places like Iwo Jima and the Ardennes, Inchon and Vietnam, did not give their lives for nothing. They died to make the world a safer place to let people breathe free.

Those of us who are old enough to have experienced war must recognize our continuing responsibilities to our country, not the least of which is that the sacrifices we remember this Memorial Day must be made meaningful to every new generation of Americans.

Only by carrying out these continuing responsibilities can we insure that the sacrifices made by those whom we honor on this occasion shall not have been in vain.

Making this point of a Memorial Day observance does not heal the sense of loss in the hearts of those who mourn. But it can give them a renewed faith and a new sense of satisfaction in the knowledge that the love that was given could prove to be a gift of love and the gift of love to the future generations of this nation.

It is their deaths we honor today. It is not the wars, that claimed them that we honor. We who have served know all too well that war is not glorious.

As we observe this American day of remembrance we signal to the world that we will not let those ideals for which these brave men and women died ever pass from our memories. A clear signal to those who would threaten freedom: Do not underestimate the will of this free nation.

This ceremony is our way of keeping alive the spirits and accomplishments of our fallen comrades. It is our obligation to them. If we do less than that, we will have failed to impress upon all people that millions have suffered war to maintain the rights of free people everywhere to life, liberty and the pursuit of happiness.

As we pause to reflect upon the sacrifices rendered by those Americans we honor on this Memorial Day, let us not lose sight of the fact that we must remain ever vigilant, strong, and united in preserving peace and freedom in the world.

We must renew our commitment to preserve all that Americans stand for. We must not shirk from our responsibility to remain a capable deterrent in troubled times.

And so we pause on this Memorial Day to reflect on the dedication to freedom that is a part of every American. We pause to honor Americans who have given the ultimate sacrifice. We pause to renew our commitment to preserving peace for all freedom-loving countries.

On this Memorial Day 1985, we can do no less.●

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2603

ARMS CONTROL CHARADE

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. HARTNETT. Mr. Speaker, I would like to bring to the attention of the House an article by columnist George F. Will, which appears in the June 6, 1985 edition of the Washington Post. As we approach the week in which we shall debate the defense authorization bill, I would encourage my colleagues to consider the wisdom of the words which appear below.

WHY CONTINUE THE ARMS CONTROL CHARADE?

(By George F. Will)

The envelope, please.

The award for Most Preposterous Argument of 1985 (no use waiting; this one is untoppable) goes to an argument for continuing U.S. compliance with the unratified SALT II treaty even after Dec. 31, when it would have expired anyway. The argument is: To abrogate SALT II limits would send a bad "signal" to Moscow at a "delicate moment" in the arms control process.

How can something dead be delicate? And what could be worse than the signal this president would send by continuing compliance with a treaty that a Democratic-controlled Senate refused to ratify in 1979—a treaty candidate Ronald Reagan denounced as "fatally flawed"?

When the Trident submarine Alaska enters service this autumn, the United States will exceed SALT II limits on MIRVed missiles, unless a Poseidon submarine is scrapped. But arms control has become such a virulent superstition that preservation of an unratifiable treaty is considered crucial.

Newsweek solemnly—nay, apocalyptically—"reports" that abandonment of even the expired, unratified SALT II would be an "ominous" threat to "the whole fragile web of restraints on the nuclear-arms race that have been negotiated since 1963."

Now, "fragile" hardly describes "restraints" that have coincided with the unprecedented Soviet buildup. Newsweek's warning is woven—talk about fragile webs—primarily from four unnamed sources. Given the caliber of their arguments, their desire for anonymity testifies to an endearing capacity for embarrassment.

Newsweek reports that "one U.S. official bluntly says": "The question is whether we begin to unravel arms control in the hope that it can be woven back together—or whether to demolish it." Blunt? Unintelligible. Anyway, if everything arms control has accomplished can be demolished by treating an unratifiable treaty as what it is—a dead letter; if arms control depends on complying with an agreement that the Soviets are violating wholesale; if so, what, precisely, is the arms control edifice that will tumble down?

Pointing with pride when there is nothing to be proud of can be amusing. A flack for a losing basketball team announced that his squad's record was 19-0 in games they led at the end of the fourth quarter. That flack belongs in Geneva; he is a born arms controller. He, perhaps, could point with pride to SALT II, under the "restraints" of which the Soviets have added 4,000 warheads and can add several thousand more without violating its "limits."

Newsweek reports that a "senior Russian diplomat" says new agreements in Geneva will be impossible unless the United States

continues to comply with SALT II. But there has been no progress in Geneva since January, and the Soviet regime insists progress will be impossible until President Reagan abandons his Strategic Defense Initiative, which he will not do. So the Soviet diplomat is merely adding a redundant insolence to the arms control farce.

Newsweek reports that "one British Foreign Office official" says: "It is one thing to put more pressure on the Russians and quite another to abandon the treaties altogether." Yes, but it is a third thing to adhere to a treaty you denounced in 1979 and that you say the Soviets are violating promiscuously. Leaving aside the nice point of whether you can "abandon" an unratified and expired treaty, this is clear: If this president—the denouncer of SALT II, the documenter of Soviet violations of it—continues to comply with it, Gorbachev will reasonably conclude that this president is unserious about compliance—and perhaps about everything else.

A "senior administration official" tells Newsweek this is "the most important foreign-policy decision the President is ever likely to make." True, but not for reasons arms controllers give. The president must deal with the Soviet regime regarding the Middle East, Afghanistan, Central America. If he caves in concerning SALT II, and tries to cover his cave-in with a tricky, transparent, cosmetic maneuver, the Soviets will dismiss him as all noise.

The cosmetic solution would be to mothball but not dismantle a Poseidon. This would be a secondary failure of nerve about the primary failure of nerve. It would collapse the president's credibility by showing him unable to justify continuing compliance but afraid to brave the reflexive wrath of the arms control lobby.

Secretary of State George Shultz is off on the charade of "consulting" allies, who will urge continued compliance because the arms control charade is the opiate of their masses. But a task of diplomacy—and of a Great Communicator—is to explain courageously the need to act unfashionably.

In 1979 arms control was, as always, fashionable, but many senators courageously opposed SALT II. The Foreign Relations Committee, a nest of doves, approved it by only a single vote. The Armed Services Committee rejected it. If Ronald Reagan, who helped stop it then, will not abandon it now, three years stretch ahead like a dangerous Sahara. ●

NATHAN CUMMINGS 1896-1985

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GREEN. Mr. Speaker, Nathan Cummings was known to the business community as a statesman of industry and the head of one of our country's major companies, the Consolidated Food Corp. He was known to the cultural community as a philanthropist and owner of one of the world's finest art collection. He was known to his family and friends as a man of kindness and compassion, a person of rare, God-given qualities. With his passing, our country and his community has suffered a great loss. Mr. Speaker, the impact of Nathan Cummings' contribution to our society was fittingly noted in the eulogy delivered by John

Bryan, his successor at Consolidated Foods, now known as Sara Lee Corp. I therefore ask unanimous consent to have Mr. Bryan's tribute to Nathan Cummings included as part of the CONGRESSIONAL RECORD.

NATHAN CUMMINGS EULOGY

(By John H. Bryan, Jr.)

For the last 10 years of his life, I had the opportunity to know Nate Cummings intimately and from a unique perspective.

You see, it has been my lot to give direction to the corporation he founded back in 1939. For this past decade, I have been the chief officer of what is, for all time, Nathan Cummings' most important business legacy—Consolidated Foods Corporation.

In that capacity, I saw Nate often. In fact, we had planned a visit in Florida this past Wednesday. But that was not to be. We spent a lot of time on the telephone over those years. Nate liked the telephone. We traveled together. I enjoyed and liked him very much. We were very close.

But no matter how well we all knew Nate Cummings, he never ceased to surprise and delight us. Right now, I especially remember one occasion last October—Nate's 43rd appearance before his company's annual stockholders' meeting.

Nate was not in great health last fall, and we were not sure he would be able to address the annual meeting—but he was sure, and he joined us in Chicago. As usual, he was introduced to the stockholders and—with a little assistance—walked to the lectern as a reverent and excited crowd stood to applaud. Let me read to you from a transcript of his opening remarks at that meeting.

"I think I'm going to indulge in a glass of water," Nate began. The audience smiled as he theatrically drank the water. Nate slowly surveyed the overflow crowd of stockholders, and went on. "All the previous speakers this morning had their notes in front of them," he said, "but I haven't got any notes. Whatever I've got is part of me. A week ago last Sunday I went to Montreal to visit my younger brother who has been married for 65 years. That's quite a span. And I had a wonderful time. Last Sunday I was 88 years old—I mean young. I almost made a mistake. *I feel like 50! And when I see this crowd of stockholders, believe me, it makes my heart swell.*" That audience was enraptured as I have never seen it before.

Nate went on to talk extemporaneously about the ways in which Consolidated Foods touches the lives of people throughout the world—and about his hopes for the company in the future. And as I listened to him, I remember wishing that everyone connected with Consolidated Foods could hear his message, could see his positive and optimistic attitude, and witness this remarkable man's vision.

Next week, I shall send a personal communication to all the directors, officers and management of Nate Cummings' company. In some small way, I want to capture the qualities that Nate displayed so well at last October's meeting . . . because I want our present generation of managers to learn from—and appreciate—the lessons of this great man's life.

Let me mention some of those lessons.

As a businessman, Nate Cummings' really important lesson is that *determination* and *tenacity* are so essential to success in business. Nate Cummings would not give up very easily. So many of today's aggressive young managers with master's degrees are actually distraught if they haven't become a vice president by age 40. I like to tell them

E 2604

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

about this man with little formal education. At age 43—after persevering through business reversals—he started over again by buying a small company in Baltimore—and then lived to see it become one of the 50 largest industrial enterprises in all America. What a lesson in tenacity!

And most of you are familiar with a quotation that was Nate's favorite for as long as I can remember. "Nothing will ever be attempted if all possible objections must first be overcome." It is a powerful lesson for today's managers.

I also want them to learn from Nate's enthusiasm and his positive attitude. I never heard Nate Cummings complain. He never said he felt bad. If you asked him how he was, his answer was always, "I feel great!" Even in his later years, he had that powerful handshake that surprised—and inspired—so many people. And he took hold of every task with the same enthusiasm. That kind of optimism and zest is such an important lesson for leadership, and Nate Cummings was the best example I know of that idea in action.

And I want our managers to learn a lesson from Nate's extraordinary ability to deal with adversity. He never agonized about a business setback. I can still hear him saying, "John, don't worry—there'll be another deal." He had an uncanny knack for coping with the stresses and strains of business life and he could relax at any time. That was an important reason for his success and in itself is a lesson worth remembering.

Nate taught another lesson that is not widely recognized—he was always willing to listen to, and follow, the advice of others. Now, he had a strong personality. He could very easily say no. But he was also strong enough to delegate, and to accept the counsel of those he trusted. It was a characteristic that served him and the company well. And it's a lesson that every manager should remember.

And finally, I want to draw one other lesson from Nate Cummings' life. Because as ambitious and tenacious as he was in business, he always placed his work in its proper perspective. Nate was not a one-dimensional man.

He was unabashed in his devotion to his family. His life revolved around them. He thought of his children, grandchildren and great-grandchildren as his greatest success.

And he was so enthusiastic about his art. He genuinely enjoyed buying it. He loved showing it to people who visited his apartment. He got so much pleasure loaning it to friends, companies and museums. He collected and shared his art for more than 40 years. It was an important part of his life.

And Nate was indeed a philanthropist. He truly enjoyed giving. The vast majority of everything he ever made has gone or will go to charitable causes. A full accounting of his generosity, may never be made. But it was extraordinary.

Nate Cummings always shared his talents and resources beyond the business world, and that's an important lesson for the people of our company. It is difficult to summarize all the qualities of Nate Cummings in a few words. But I believe very strongly that these lessons of his life should not be lost to those of us who follow him at Consolidated Foods.

In an increasingly impersonal world—in a company with more than 100,000 employees—it is an enormous asset to be able to identify with a founder and the ideas he represents.

So at Consolidated Foods, we will keep Nate's memory alive in a number of ways:

Through our corporate collection, which is the Nathan Cummings Memorial Collection.

Through the Nathan Cummings employee scholarship program.

Through a recently established employee international student exchange program that bears Nate's name.

And through a book which will chronicle the history of our company and will be dedicated to Nate.

But I know what is our most fitting memorial. It will be to keep Nate Cummings' company strong and increasingly prosperous in the years ahead.

I know that would please him most of all. For one more moment, listen to Nathan Cummings' words as he concluded his remarks at that shareholder's meeting last fall. Remember, he spoke without a single note in front of him.

"I could go on," Nate said, "and tell you lots of things about the different parts of the company in the different parts of the world. But I think your own dream process will make you happy." He then said, "I do hope to be back again for a few more years. They won't give me a license for perpetuity—it just isn't done. So I'll take every day and make the best of it. I'll continue to enjoy the wonderful things that Consolidated Foods does. The many ways it enters into your life and makes it a happier one. Thank you very much."

That was Nate Cummings' farewell to the shareholders.

I think those few words so beautifully capture Nate's optimistic spirit and so eloquently set forth Nate's vision for his company, and surely for his own life.

Just imagine all the wonderful things he did and all the lives he made happier.

That was his most important lesson—and his most important legacy. Thank you, Nate. ●

JOHN LENCZOWSKI ON SOVIET STRATEGY IN NICARAGUA

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. COURTER. Mr. Speaker, I commend to my colleagues the following article on Nicaragua and Soviet strategy by Dr. John Lenczowski of the National Security Council staff. The events in Nicaragua follow a clear pattern that has occurred too many times before in history, at terrible human cost. Dr. Lenczowski's article is one of the clearest expositions I have seen of the challenge that Soviet strategy poses to human rights and American security in our own hemisphere, and my colleagues would do well to ponder the facts he sets forth.

[From the Washington Times, June 6, 1985]

FRANK TALK ABOUT DANGERS AT OUR DOORSTEP

FORCES BOUND BY A COMMON THREAD

It is often unpleasant to resurrect what many think are the unpleasant ghosts of the past. Unfortunately, that is what we do when we talk frankly about the forces of "international communism" at work in our hemisphere.

It has long been politically the safe thing to do to ridicule any mention of this alleged phenomenon. Professors and pundits have assured us for years that "international communism" as such no longer really exists—which is why it is ridiculed as a "phantom," the object of irrational phobias

of extremists, know-nothings, or people living in the past.

It has been explained to us that we can no longer clinically and accurately use this loaded expression because of the Sino-Soviet split, the Yugoslav-Soviet split, the Albanian-Soviet split, and other manifestations of polycentrism.

Perhaps, indeed, communism is no longer a monolithic force subsuming all Marxist-Leninist states under the Soviet banner. Nevertheless, how can one label the presence today in Nicaragua of Cubans, Bulgarians, Libyans, Czechs, North Koreans, East Germans, Vietnamese, Soviets, and Communist elements of the Palestine Liberation Organization?

If this is not some facsimile of international communism, then we are at a loss as to how to explain the common thread that binds these forces together. If we must pay our dues to the gods of polycentrism, then perhaps we might refine our terminology by calling this phenomenon "Soviet international communism," since neither Maoist, Titoist, or Albanian brands of communism are at work here.

Since we so rarely discuss the facts about international communism as such, there are a few which should be remembered in the context of our current debate on Nicaragua:

The people do not want communism. Never in history has a majority of a free electorate democratically chosen a Communist form of government. (There is only one exception: the minuscule state of San Marino. In the case of Chile, Mr. Allende, although a Marxist, did not run for office as a Communist with a Communist Party in tow, or with an avowedly Communist political program. Neither did he win a majority of the vote.)

Communists have always come to power through violent takeovers. These takeovers have always involved seizure of power by a well-organized and externally assisted minority over an unorganized and unwitting majority. Such takeovers consistently entail the use of a "popular front" of Communist and non-Communist elements; the establishment of a Communist Party which uses an ideological party line to enforce internal conformity and identify and eliminate deviationists; the use of camouflage to disguise the party's true intentions and full political program; the use of propaganda and disinformation to manipulate the international media; the use of violent and ruthless methods to eliminate all organized opposition, including ethnic minorities, organized religion, non-government-controlled media and the "class enemy;" and finally, the use of gradualism in the process of eliminating opposition and implementing internal security—so that the people do not realize what is happening to them until it is too late.

No Communist regime that has consolidated its power has ever been overthrown and replaced by a non-Communist order. (The only exception is Grenada). Every other form of government offers people the chance to retain a system of trial and error. It is easy to overthrow a Shah or a Somoza after trial has been granted and error perceived. But once communism is firmly in place, the possibility of trial and error is no more.

A vote against aid to the Freedom Fighters is a vote to consign Nicaragua to an indefinite period of no freedom of choice.

The human cost of communism wildly exceeds most Americans' expectations.

The numbers of people murdered by Communist regimes (outside of war deaths) are approximately: low estimate, 60 million; high estimate (more accurate in light of recent scholarship), 150 million.

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2605

The greatest tide of refugees in world history flows from Communist states to non-Communist ones: today it comes from Ethiopia, Afghanistan, Indochina, East Europe, and Nicaragua. (During the entire Vietnam War there was nary a refugee fleeing from Indochina. It was not until communism triumphed that life became so unbearable that people who could withstand decades of war fled to the seas).

Communism invented the concentration camp. Millions have been imprisoned, executed, or worked and starved to death in these camps. Communist regimes will not permit enterprising Western reporters anywhere near these camps, so you don't hear about them on the evening news.

Communist regimes recognize no restraint on their absolute power. From this they establish ideological falsehoods as the standards of right and wrong and the standards by which deviationism is measured; from this stems the systematic denial of all individual human rights.

The quality of life always deteriorates under communism: the militarization of society; the destruction of the consumer economy; the rationing of food; the deterioration of existing housing and insufficient new construction to meet population growth; the destruction of medical care through lack of medicine and medical supplies (despite all the propaganda about free universal medical care in the U.S.S.R., for example, a 900-bed hospital in Moscow gets an allocation of 250 hypodermic needles per year—a supply insufficient for one day in a Western hospital—with instructions on how to straighten them, clean them and derust them); the destruction of religion (in Russia in 1914 there were 77,000 Orthodox churches whereas today in the entire U.S.S.R. there are only some 7,000); the destruction and political control of education and culture; the rewriting of history, and the destruction of monuments to the national heritage; and the assault on family life and parental jurisdiction over children.

Soviet-style communism invariably means the export of terrorism, violence, and revolution to other countries. Soviet proxy states participate in an efficient division of labor in this sphere: Cubans as troops, Bulgarians and Vietnamese as arms suppliers, East Germans as secret police trainers and military advisers, etc.

Since it is Soviet and not Albanian proxies who are present on our continent today, it is not an accident that the Communist Sandinista regime is an active collaborator in this division of labor.

The Sandinistas are Communists. As Defense Minister Ortega said: "Marxism-Leninism is the scientific doctrine that guides our revolution . . . without Sandinismo we cannot be Marxist-Leninist and Sandinismo without Marxism-Leninism cannot be revolutionary."

The identical pattern of Communist takeover methods, internal policies, and external behavior is repeating itself in Nicaragua. There can be no doubt, given the vast evidence we have accumulated, that Nicaragua is becoming another Cuba.

Communist regimes, including the Nicaragua regime, spend vast resources on disinformation—to deceive the international media and foreign political decision-makers.

A principal goal is to disseminate false information about the nature of their own system: the principal disinformation theme of all Communist regimes is to convince others that they are not really Communist.

This is done in many ways by the Sandinistas but most prominently by the "guided tour." Countless American visitors are taken on this guided tour and see nice things and

talk to "average citizens" who tell them what the regime wants them to hear.

Nobody wants to believe that he has been or can be fooled. But if Congress is to believe the testimony of constituents and reporters who base their information on the "guided tour," Congress may as well believe everything they are told on the identical guided tours in Moscow, Havana, East Germany, North Korea or any other totalitarian state.

Congress must decide whether it will resist international communism on our continent or let it prosper. Isolationists in the Congress may base their opposition to the administration on the principle that other countries should be allowed self-determination.

Unfortunately, in Nicaragua today there can be no self-determination, because of the reality of "foreign-force determination." The foreign force is the Soviet Union and its proxies, otherwise known as the forces of international communism.

Will the Nicaraguan people be given enough assistance so that they will be able to determine their future on the basis of a balance of foreign forces, or will Congress permit an imbalance, an imbalance against democracy, an imbalance against any system of trial and error?

If Congress chooses to deny the Nicaraguan friends of democracy a chance for self-determination, it will be voting in favor of the first victory of the Soviet strategic offensive on our own continent.●

TRIBUTE TO SOROKA BROTHERS

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MURPHY. Mr. Speaker, I rise today to recognize two extraordinary brothers, who combined, have given 50 years of service to their church.

On June 9, the Archpriest Vladimir Soroka, pastor of the Holy Ghost Orthodox Church, Ambridge, PA, will be honored for having achieved a milestone in his ministry of the Eastern Orthodox Christian Church—the 25th anniversary of his ordination.

The occasion seems appropriate to acknowledge not only the accomplishments of Father Vladimir, but those of his younger brother, the Archpriest Igor Soroka, pastor of St. Nicholas Orthodox Church, Donora, PA. The latter commemorated his silver ordination jubilee in 1984.

Pursuing his ministry to be a "priest after the order of Melchisedec" (Hebrews 7:21), each has given a quarter century tending the spiritual needs corporately and individually within his congregation. Indeed, fostering spirituality in the tradition of the Eastern Orthodox Christian faith has held preeminence in the priesthoods of both fathers Vladimir and Igor.

In addition to serving the spiritual needs of their congregation, which are affiliated with the Orthodox Church in America, these brothers have made significant contributions toward making their faith's liturgical music available to the faithful throughout

the United States. These efforts began well before their ordinations in 1959 and 1960.

The Eastern Orthodox Christian faith came to the North American continent in the 18th century via Russians settling on the California coast. Later immigrants brought their faith in the 19th and early 20th centuries from Greece, the Ukraine and Russia, Romania, Yugoslavia, Syria, and Armenia, among others; each ethnic group brought its liturgical music with it for essentially the same service. The liturgical tradition of the Orthodox Christian faith dates to the fourth century A.D. and such Christian Church fathers as Basil the Great, John Chrysostom, and Gregory Nazianzus. The problem for liturgical musicians in the United States has been made more complex by the fact that responses of the congregation are sung a cappella and not said.

Archpriests Vladimir and Igor Soroka are among the earliest to attempt to produce liturgical music for common worship in the English language. This has meant adapting earlier translations from Church Slavonic or Greek to contemporary English, composing, arranging traditional ethnic melodies to contemporary harmony as well as all the chores entailed in the editing of a collection of music—all for no remuneration.

In much of their work, they have drawn on the rich choral heritage of the Russian Orthodox Church, from which the Orthodox Church in America gained autocephaly in 1970.

Father Vladimir is responsible for the publication of five volumes of music and Father Igor, seven. They have collaborated on several others. On the death of a brother in the priesthood who was to be buried from his parish in Ambridge, Father Vladimir realized that the order of service for a priest's funeral was unavailable from any single source in English. Using his own musical arrangements from earlier years, two clerks, a photocopy machine loaned by an area hospital, two pairs of blunt scissors and a great deal of cellophane tape, he produced in 1 night and 2 days, booklets of the service which are believed to be the first in English in the United States.

The brothers are among the seven children of an immigrant priest and his wife, the late Archpriest Gregory and Anastasia Soroka. Another brother, Leonard, now deceased, also was a priest.

Father Vladimir was ordained and served 14 of his 25 years since ordination in the parish which his father served as pastor for 35 years—Holy Trinity of Charleroi, PA. Ambridge is his second parish.

He received his undergraduate degree from Duquesne University in Pittsburgh. He entered Duquesne shortly after high school graduation in Charleroi, but interrupted his edu-

E 2606

CONGRESSIONAL RECORD — *Extensions of Remarks*

June 6, 1985

cation by volunteering for Army service. He served as a paratrooper with the 13th and 82d Airborne Divisions from 1942-46. After graduation from Duquesne, he obtained a master's degree in education from Columbia University and taught music in the public schools for 8 years. He also served 17 years as a parish choir director in New Jersey, New York, Pennsylvania, and Massachusetts.

During his priesthood, he has been instrumental in establishing a mission parish, conducted programs in liturgical music education within the Archdiocese of Pittsburgh and has served as a trustee of St. Vladimir Orthodox Theological Seminary, Crestwood, NY, from which he graduated.

Father Igor graduated from St. Tikhon Seminary, South Canaan, PA, and then entered Duquesne University. While attending Duquesne, he, like his brother Vladimir, was a member of that university's Tamburitzans, a world-traveled Slavic cultural ensemble.

He served as a parish choir director and vocal teacher. Before ordination, he helped organize a male chorus of Orthodox Christians in the Pittsburgh area; in 1964, he organized and still directs a choir of mixed voices. He has served on the music commission of the national church, conducted national choral conferences, represented the Pittsburgh Archdiocese on the Metropolitan-national-council and trained deacons in the Pittsburgh Archdiocese. He has served his entire ministry in the Donora Parish. He is a member of the Donora Committee for the Downtown Renewal.

Service to the church is an inherent trait in the Soroka family life. As her brothers and father before her, Zenia Soroka Pecuech is a parish choir director. Matthew, one of Father Igor's three sons, is an engineer by vocation, but has been a choir director; Michael and Leonard, sons of Father Vladimir, both are seminary graduates and parish choir directors. Leonard has collaborated on the publication of later English language translations also for use by the worshiper as well as better-prepared choir singer; Michael is an aspirant to the priesthood. Thomas, a third son, is trained to direct parish choirs but is pursuing higher musical education. Olga and Irene, wives of Vladimir and Igor respectively, have sung responses to services with their husbands. In that tradition, Tamara Bell Soroka, the bride of Michael, is a seminary graduate, a church school teacher, a reader and a singer.

I would like to commend the Soroka brothers and their families for their accomplishments and their dedication to serving the Eastern Orthodox Christian faith.●

COACH MALLEY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MINETA. Mr. Speaker, I am proud to speak today of a man, a special man to us in the Santa Clara Valley, who left an indelible mark on all of us fortunate enough to have known him. I am speaking of George Patrick Malley, the legendary football coach and athletic director of the University of Santa Clara, who fell victim to cancer at the age of 54.

For 26 years, Pat directed the University of Santa Clara Broncos on the gridiron, giving area sports fans something to cheer for on those crisp fall afternoons and evenings. It was Pat Malley who resurrected football at Santa Clara after a 6-year absence. It was Pat Malley who forged Santa Clara students, faculty, and alumni into a solid coalition of Bronco boosters. And throughout this effort, it was Pat Malley who stressed that college athletics was meant to be enjoyable as well as educational, and that his players must have fun out on the playing field.

More than just a football coach, Pat was as concerned with a player's personal and academic growth as his athletic talent. A dominating force around the campus as well as the gridiron, Malley's concern for his athlete's total development is evident by the fact that an outstanding 93 percent of his players graduated, compared with the national figure of 65 percent.

An integral part of the Santa Clara community, Malley's association with the university spanned four decades. Following in his father's footsteps, Malley graduated from Santa Clara with a history degree in 1953. Six years later, he returned to his alma mater as coach of a revised and revamped football program, which he quickly called "Football for Fun." Though the emphasis was on enjoyment of sport, Malley's intercollegiate teams went on to win over 140 games during his 26-year tenure as a coach.

His leadership abilities were duly recognized. He was three times named Coach of the Year by the Northern California Sportswriters Association. Several of his players went on to become professional stars. In 1983, Pat received the award he was most proud of—his induction into the University of Santa Clara Athletic Hall of Fame.

Overshadowing his dominating presence in athletics was the side of Pat Malley that made him stand out, that special quality that made him appear like a bright beacon on a dark night. His personality was filled with compassion and concern for his fellowman. Pat always had time for students—any student—to talk, to listen, to advise, to support, to encourage. It was often said that Pat Malley had two families: his own and the Santa Clara communi-

ty. As a father draws strength from his children, Pat drew strength from the University of Santa Clara. He thrived on his work with the school, and in return he gave it his heart.

On May 18, 1985, Pat lost his toughest battle to cancer. Mr. Speaker, the passing of Pat Malley signals the end of an institution in the bay area. It is the end of an era for the University of Santa Clara. And it is a personal loss for all of us who called him our friend. But his legacy leaves us the gift of love and the hope that we too can leave the world a better place. And there are so many young people—many who are no longer so young—who can point to the influence of Coach Malley as reason for being better prepared to face the challenges of life.

It is in this spirit that I ask you, Mr. Speaker, and all the Members of the U.S. House of Representatives, to join me in honoring the memory of George Patrick Malley.●

EXPANDED CAPITAL OWNERSHIP AND THE IDEOLOGICAL HIGH GROUND

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. CRANE. Mr. Speaker, today I am including the third portion of a series of discussions on the concept of expanded capital ownership. Today's material is a continuation of Professor Eidelburg's analysis of the true nature of Marxism and why it is antithetical to freedom and real economic justice. His essay is not only insightful, but provocative as well, and I recommend it highly to each of my colleagues.

The material follows:

ECONOMIC JUSTICE: A QUESTION OF
TRANSCENDENT TRUTH
(By Paul Eidelberg)

PART II—THE MEANING OF MARXISM

Contrast, now, the Communist Manifesto, written by Marx and Engels in 1848 when Marx was thirty years old. "A specter is haunting Europe—the specter of communism." These opening and ominous words of the preamble are soon followed by the more familiar statement: "The history of all hitherto existing society is the history of class struggles" (7). The first thing to be noted is that these words of the Manifesto implicitly deny the existence of a common good, a comprehensive good transcending the interests of any particular class of society. Of course, and as Marx explains in *The German Ideology* written two years earlier, "each new class which puts itself in the place of one ruling before it, is compelled, merely in order to carry through its aim, to represent its interest as the common interest of all the members of society, put in an ideal form; it will give its ideas the form of universality, and represent them as the only rational, universally valid ones." In other words, such notions as the "common good," "justice," and "morality" are merely articulations of the material interests of the ruling class.

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2607

The second point to be noted is this. If the history of all hitherto existing society is the history of class struggles, then the fundamental fact about human society is conflict, class conflict. This means that force, not reason, is the dominant principle of human history. Indeed, according to the Manifesto, reason is a product of the flux of history:

"Does it require deep intuition to comprehend that man's ideas, views, conceptions, in one word, man's consciousness, changes with every change in the conditions of his material existence, in his social relations, and in his social life?"

"What else does the history of ideas prove than that intellectual production changes its character in proportion as material production is changed? The ruling ideas of each age have ever been the ideas of its ruling class." (26).

This historicism or relativism in the Manifesto merely reiterates the teaching of The German Ideology, wherein Marx maintains that "the 'inward nature' of men, as well as their 'consciousness' of it, 'i.e.' their 'reason,' has at all times been an historical product." Furthermore the "inward nature" of men, as well as their understanding of their nature, has always corresponded to "external compulsion," whether economic or social (113). From this it may be inferred that, at least until Marx, men have never possessed genuine insight or intellectual detachment; they have never been capable of transcending the ideas or interests of their particular class or society. Hence it would be foolish to appeal to men's reason over against their interests. Not that reason is utterly impotent. It is simply that ideas can only be effective when they correspond to or reinforce the material or historical interests of men, meaning the interests of their particular class. This is why the Manifesto is addressed to the proletariat. In the familiar words of the "peroration":

"Let the ruling classes tremble at a communist revolution. The proletarians have nothing to lose but their chains. They have a world to win. Workingmen of all Countries unite!"

It would be a mistake to think, therefore, that Marx intends the Manifesto to create any tension between men's opinions and interests by appealing to men's reason. The appeal is primarily to men's passions, wherefore the Manifesto's scathing denunciation and vilification of the bourgeoisie:

"The bourgeoisie, wherever it has got the upperhand, has put an end to all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the mostly feudal ties that bound man to his 'natural superiors,' and has left remaining no other nexus between man and man than naked self-interest, than callous 'cash payment.' . . . In one word, for exploitation, veiled by religious and political illusions, it has substituted naked, shameless, direct, brutal exploitation." (9-10)

This vilification of the bourgeoisie—and I have only chosen one of the many equally inflammatory passages—stands in striking contrast to the Declaration's denunciation of the British King, a denunciation which, though impassioned, is encompassed by a preamble and a peroration cast in the language of civility and even of reverence. The explanation has already been suggested: (1) The Declaration affirms the primacy of reason; the Manifesto the primacy of force. (2) The Declaration acknowledges the existence of universal moral standards to which one may appeal over and against conflicting class interests. Its principles thus allow for the possibility of diminishing or transcending class conflict by replacing "class consciousness" with the consciousness of a common or more comprehensive good—this,

to be achieved through moral suasion. In contrast, the Manifesto seeks to replace consciousness of a common good (which it identifies as the intellectual production of the ruling class) with class consciousness, more precisely, with proletarian class consciousness, in order to intensify class conflict to the point of revolutionary violence. This helps to explain the inflammatory rhetoric of the Manifesto vis-a-vis the urbane rhetoric of the Declaration.

Accordingly, it would be a grave error to regard the Communist Manifesto as a philosophical critique of bourgeois society, a critique animated by a quest for truth. Were that the case, the Manifesto would have been intended to change men's ideas or consciousness through criticism. But as Marx wrote in The German Ideology, "all forms and products of consciousness cannot be dissolved by mental criticism [such as by appeals to universal ideals or moral principles] . . . but only by the practical overthrow of the actual social relations which gave rise to the idealistic humbug; . . . not criticism but revolution is the driving force of history. . . ." (28-29). The purpose of criticism is not to correct error or to dissuade men from persisting in the doing of injustice (as was the case of those petitions for redress mentioned in the Declaration). To the contrary, Marxist criticism—and this is true of communist criticism today—is a weapon of class war. It was a "young" Marx who wrote in 1843, this time in his Critique of Hegel's Philosophy of Law:

" . . . criticism is not a passion of the head, but the head of a passion. It is not a lancet, but a weapon. Its object is an enemy it wants not to refute but to destroy. . . . [It] is no longer an end in itself but simply a means. Its essential pathos is indignation, its essential task, denunciation."

This suggests that Marxism is not truth—but power-oriented, which may be seen more clearly in the following passage of the Critique of Hegel:

"Material force must be overthrown by material force. But theory also becomes a material force once it has gripped the masses. Theory is capable of gripping the masses when it demonstrates ad hominem, and it demonstrates ad hominem when it becomes radical." (257)

This is far from showing "a decent respect to the opinions [i.e. the reason] of mankind." But then, Marxism is addressed not to mankind, but to the "masses." Addressed to the masses Marxist "theory" demonstrates ad hominem when it appeals to men's passions and interests rather than to their intellect or reason. Given, moreover, its power-orientation, Marxism, or rather true Marxists, must incite the masses to revolutionary violence, for in this way only can they confirm the doctrine that "revolution is the driving force of history." Marxism is thus to be understood as a self-fulfilling theory animated not by the will to truth, but by the will to man's supremacy over truth.

We can now better understand Marx's statement that "criticism is no longer an end in itself but simply a means," a means of denunciation. This is equivalent to saying that the written or the spoken word is not a vehicle for the quest and communication of truth but rather a mere instrument for destroying one's adversaries. Lenin put it this way: "My words were calculated to evoke hatred, aversion, and contempt . . . not to convince but to break up the ranks of the opponents, not to correct an opponent's mistake, but to destroy him . . ." The words are Lenin's; to Marx belongs the thought.

But Lenin was simply the disciple—one of the truest disciples—of Marx, the distinctive Marx, not the so-called "young" or "early"

Marx who of late has been tendentiously transformed into an innocuous humanist by revisionists and so-called neo-Marxists. What is most distinctive of Marx, so evident in the very violence of his rhetoric (the principles of which are studiously employed by Communist leaders today), is the doctrine of revolution, of economic class conflict, meaning civil war, as the propelling and even progressive force of history. Stated another way: what constitutes Marx's unique contribution to the history of political thought is that he incorporated into a philosophy of history the Machiavellian principle of the primacy of force over persuasion in human affairs. It is to this doctrine of force or violence that we must trace the subordination of, indeed, the contempt for truth in Marxist rhetoric, and, with the contempt for truth, the cynical use and abuse of morality.

Given the primacy of force or of class conflict on the one hand, and the denial of a common good on the other, Marx in effect renders the bourgeoisie and the proletariat comparable to two species which, in relation to each other, are beyond morality. Hence it would be as absurd to condemn the former for exploiting the latter as it would to condemn wolves for devouring sheep. Yet Marx takes the side of those he calls the oppressed and denounces their oppressors. As we have seen, however, denunciation is the "essential task" of Marxist criticism. That criticism is philosophically armed propaganda designed to inflame the proletariat by demonstrating, ad hominem, that their ideas and values, being nothing more than the ideas and values of their oppressors, serve only the "selfish" interests of the bourgeoisie to the detriment of the proletariat's own class interests. Here Marx poses as a moralist precisely because the proletariat are themselves moralists. He uses morality to overthrow morality. Or, what is to say the same, he turns the language of morality against itself (just as communist leaders turn the language of democracy against itself).

Not for a moment, however, is Marx unaware of the paradoxical nature of his denunciation of bourgeois oppression—paradoxical if only because oppression is of the very essence (the propelling force) of history. From this one might even conclude that to oppress is to be human, which further suggests that to be human is to be evil or malevolent. But unlike Machiavelli, Marx did not regard malevolence as intrinsic to men's "inward nature." Rather, it was a consequence of the penury of external nature: nature at large did not of itself provide for men's needs, the satisfaction of which necessitated a division of labor which in turn engendered class antagonism and oppression. Thanks to modern science, however, and to the technological and industrial accomplishments of bourgeois society, the penury of nature was in process of being overcome, and would finally be overcome under the dispensation of a Communist society. That overcoming would mark man's total conquest of nature, including himself as part of nature.

Clearly, for Marx man has no "nature." Indeed, it is the nature of man to have no nature, no permanent nature. Man is to be defined not as homo rationalis but as homo faber, and in the most radical sense. For man is his own maker and will consciously become his own maker in complete freedom from morality or from the laws of nature and of nature's God. Morality, in which Marx sees the traditional tension between the individual and society, hence unhappiness, will disappear, and in its place there will emerge a new society, a Communist so-

E 2608

CONGRESSIONAL RECORD — *Extensions of Remarks*

June 6, 1985

ciety in which man will be a fully "conscious species-being, that is, a being which is related to its species as to its own essence or is related to itself as a species being." Until then, we must conclude, perhaps to the consternation of neo-Marxists, men will be less than human. But this means that, in the name of an incredibly remote if not impossible but in any event questionable humanism, Marx degrades and dehumanizes men of the past, of the present, and, for that matter, of the foreseeable future.

Here we see why Marxism justifies the ruthless sacrifice of men living today, men who, at this stage of history, are only partly human. Lenin was therefore correct in regarding Marxism as a "panegyric on violent revolution." Indeed, Marx's eschatology, his materialistic philosophy of history is, for all practical purposes, a doctrine of permanent revolution, a doctrine which cannot but issue in periodic violence, terror, and tyranny.

To say as Marx does in his Critique of Hegel's Philosophy of Law that "man is the highest essence of man" (264) is to deify man. But inasmuch as the essence of this deified man, his "species consciousness," will not come into existence until the end of history, then, at least until that far-off time, Marxist rulers, conscious that man is his own maker, may make and dispose of men as they will, unbound by any law. Lenin spoke as a true disciple of Marx in saying: "The scientific concept, dictatorship . . . means neither more nor less than unlimited power resting directly on force, not limited by anything, nor restrained by any laws or any absolute rules. Nothing else but that."

In Marx we are at the opposite pole from the statesmen of the Declaration of Independence, nay, more, from the fundamental principles of Western civilization. This said, let us pause and reflect upon the assertion of Zbigniew Brzezinski that: "Marxism not only provided Russia with a global revolutionary doctrine but infused it with a universal perspective derived from ethical concerns not unlike those stimulated in the West by the religious and liberal traditions.

That a political scientist like Professor Brzezinski could so distort the nature of Marxism on the one hand, and thereby obscure its fundamental antagonism to the traditions of Western civilization on the other, is cause for profound concern. That he could hold the position of National Security Adviser to a President of the United States, a position requiring a clear-eyed understanding of the true nature and global objectives of the Soviet Union—and at the same time be reputed a "hawk"—is a terrible commentary on how far America has drifted from the teachings of her founding fathers. But all this is a reflection on higher education in the United States. Brzezinski's understanding of Marxism, by no means confined to himself, has helped undermine the will and determination of the United States to arrest the advance Soviet communism throughout the world. Unless his erroneous teachings are quickly rectified in the colleges and universities of this country in such a way that they will no longer be reflected in the foreign policy of the United States, one may well fear for the survival of freedom and civility everywhere.●

A CONGRESSIONAL TRIBUTE TO
KELLOGG SUPPLY, INC.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Kellogg Supply, Inc. of Carson, CA, which will shortly be celebrating its 60th anniversary.

Founded in 1925, by H. Clay Kellogg as the DBA Kellogg Supply Co., the company purchased sewage sludge from drying beds of Los Angeles City and County agencies, and created fertilizer for the agricultural areas of southern California. As the years passed and the post-year boom hit southern California and the rural areas changed to urban areas, the Kellogg Supply Co. changed to meet the demands of the new market. In 1953, Kellogg Supply Co. purchased the Globe Fertilizer Co. and became the Kellogg Globe Fertilizer Co. The company, now known as Kellogg Supply, Inc. sells to more retail nurseries and landscape contractors than any other fertilizer company in the southern California area.

Sixty years is a remarkable period of time for a company to survive in such a demanding and competitive industry. Kellogg Supply Co., however, has not merely survived—it has grown and prospered and assumed an undisputed position of leadership. This tremendous success story is a testament to the vision and foresight of the Kellogg family, who pioneered the marketing of organic fertilizers and soil amendments long before these products captured the public's imagination as a result of the ecological and environmental crises.

Kellogg has not only been successful because of foresight, but also because of the exceptional quality of their products. In fact, the company prides itself on the fact that quality products, outstanding service, qualified personnel and enlightened management have been the keys to its success.

If Kellogg Supply, Inc. continues along the successful ways that have led them to prosper over these last 60 years, it will continue to prosper for many years to come. My wife, Lee, joins me in wishing Kellogg Supply, Inc. and the entire Kellogg family continued success and all the best in the years ahead.●

A BILL ON GRADUATE MEDICAL
EDUCATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WAXMAN. Mr. Speaker, I am introducing today a bill that will revamp the way Medicare and Medicaid pay teaching hospitals for gradu-

ate medical education. The principal objectives of this bill are: First, to maintain an appropriate level of support by Medicare and Medicaid for residency programs; second, to promote residency programs in primary care; third, to enhance primary care training by encouraging hospitals to place residents in ambulatory settings, including HMO's; fourth, to close the current open-ended nature of Medicare's cost reimbursement rules; fifth, to simplify the intricate and complex cost allocation rules currently used in the Medicare Program; sixth, to encourage other third party payers to contribute their fair share to the costs of graduate medical education; seventh, to assure that foreign medical graduate residents meet acceptable standards of competence; and eighth, to make these revisions in a manner that avoids abrupt shifts in policy that might be harmful to teaching institutions or to beneficiaries' access to quality care.

Mr. Speaker, graduate medical education plays a vital role in present day medicine and warrants continued Federal support. Graduate medical education is the training ground for physicians. It not only provides assurance of an adequate supply of physicians who meet acceptable standards of competence; it also provides the basis for continued enhancement in the quality and sophistication of medical practice. Both of these inure to the benefit of Medicare and Medicaid patients and all of our citizens. While in training, residents also provide patient care under the supervision of qualified physicians and, in many areas and institutions, are an important component in making sure that Medicare and Medicaid beneficiaries have access to appropriate health care.

At the same time that we need to reaffirm our commitment to graduate medical education, we need to recognize that the current retrospective cost reimbursement rules used in the Medicare Program to pay for graduate medical education, and the diverse rules used in Medicaid, are badly in need of reform. Under the current rules, Medicare pays its share of whatever hospitals spend for resident stipends and fringe benefits, for the salaries and expenses of supervisory physicians and other personnel, and for administrative overhead. There are no restraints on the number, type, or length of residency programs and no restrictions on the amount that can be spent on the supporting activities. The rules are complex, to the point of being virtually impossible to understand, and provide no incentive for hospitals to be efficient in the way they manage residency programs.

Even more important, however, is the fact that the current rules ignore the effects which this support has on the specialty distribution of physicians. The amount of Medicare support for direct graduate medical edu-

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2609

cation, which is nearly \$1 billion this year, is far greater than the sums the Federal Government spends on the programs under title VII of the Public Health Service Act. Yet as the Subcommittee on Health and the Environment learned at a recent hearing on this issue, the Medicare payment rules foster incentives for specialty and subspecialty training that run diametrically opposite to the health professions policies that Congress has promoted under title VII. Notwithstanding a national consensus, and an explicit congressional policy, that we need more physicians trained in primary care, the financial incentives in the Medicare support for graduate medical education discourage primary care residencies and encourage extended residency programs in other specialties and subspecialties that generate substantial patient care revenues for the hospitals and teaching physicians.

Third party payers have traditionally recognized that graduate medical educational is an integral and legitimate part of hospital care and have been willing to share in its costs. However, the lack of clear direction in our reimbursement policies, the lack of firm data on how these policies are being implemented, the rapidly rising costs of hospital care, and the growing oversupply of physicians have all caused many payers to question their continuing support of these programs in the same manner as in the past.

Change is needed. However, change must recognize the concerns of teaching hospitals and other interested parties, and must deal with identified problems in the current payment methodology. A new system should not impose highly restrictive regulations that mandate how graduate medical education programs are to be designed and administered. In addition, major changes in the current system of payment should be done in a manner which gives hospitals, residents and teaching physicians advance notice and an opportunity to adjust without impairing the availability or quality of care for Medicare and Medicaid beneficiaries.

The administration recognizes that the current, open-ended, retrospective cost reimbursement rules do not provide an incentive for hospitals to be efficient. The Health Care Financing Administration recently published a proposed regulation that would freeze Medicare payments for graduate medical education at 1984 levels. Not only is this clumsy attempt unlikely to encourage more efficient behavior, it also ignores the adverse effects which the current rules have on our manpower goals. Its only objective is to reduce the budget deficit.

My bill represents an alternative approach. Recognizing that Medicare support will necessarily have a significant impact on the size and shape of graduate medical education, whether intentional or not, I have tried to

make sure that the impact is as compatible as possible with the Congress goal of promoting training in primary care.

Under this bill, the Secretary would calculate, for each hospital, an average amount for a full time resident in an approved residency program. This "approved full-time equivalent amount" would be based on the historical costs paid to each hospital under Medicare for graduate medical education in a base period, updated to the present by the Consumer Price Index. Once this average amount was established, the approved FTE amount would be set in subsequent years by updating the amount annually by the CPI. This approach would replace the current cost accounting and cost allocation rules used by Medicare. It would effectively close the current open-ended nature of Medicare support, would facilitate the implementation of the policies set forth in the bill, and would greatly simplify the administration of Medicare support payments for both the hospitals and the managers of the Medicare Program. The application of the approved FTE amount would be phased in, beginning with each hospital's cost reporting year starting on or after October 1, 1985.

In order to simplify further the administration of the program, to make it easier for program directors and others to plan and manage their programs, and to facilitate monitoring and revisions in the new payment methodology, the approved FTE amount would be treated on a uniform July 1 through June 30 cycle for all hospitals. This is the same cycle that is currently used for virtually all residency programs. Using it would, in particular, greatly facilitate a more rigorous and accurate calculation of full-time equivalent residents. A straightforward formula would allow hospitals that have cost reporting years that straddle two such residency cycles to determine the allowable payment amount for their particular cost reporting year and to apportion that amount properly to Medicare and Medicaid.

Primary care residency programs would be promoted by applying a weighting factor to the different types of residencies. Thus, a resident in a primary care residency would count more heavily, in the calculation of the full time equivalent residents at the hospital, than would residents in other specialties and subspecialties. Primary care residencies would be defined as those in the first 3 years of residency training in family medicine, general internal medicine, and pediatrics, and up to 2 years of graduate medical education in public health and preventive medicine and in geriatric medicine. Since there are no residency programs in geriatric medicine currently approved by the Accreditation Commission on Graduate Medical Education, the Secretary would be empowered to recognize and approve such programs

for purposes of implementing this bill. All other residencies, whether they were in the first 3 years of other specialties or were in specialty or subspecialty training beyond the first 3 years, would be counted less heavily. This would create financial disincentive for hospitals to conduct such residency programs. The weighting factors used for this purpose would be small at first, but would gradually increase over 4 years in order to give greater emphasis to the weighting factor, while giving residents and hospitals time to adjust to them.

I wish to emphasize that this approach would not dictate to the hospitals what amounts they should pay to any resident or group of residents, or how they should allocate these resources among the various specialty programs at their institutions. The bill would simply set economic incentives that are compatible with our national health manpower goals and seek to overcome the other economic incentives that work to the detriment of those goals.

In furtherance of this goal the bill would provide for larger reductions in Federal support for residents who are in training beyond the first year of board eligibility of 5 years, whichever came first. Support for these residencies would be more rapidly reduced to fifty percent of the hospital's average FTE amount. It is my expectation that this would be an adequate level of support to assure that such programs remain available in a sufficient number and that the quality of such programs could be maintained. It is also my expectation that the amount of Federal support would be augmented by other existing sources of revenue such as payments to a faculty practice plan for patient care services or, possibly, other payments to the hospital for patient care.

Under the bill, blocks of time devoted to laboratory research, in particular, should not be counted. Only the time which a resident spends in activities directly related to patient care would be counted toward determining the full-time equivalents. While this is nominally the current Medicare policy, it would be my intention that it be more closely monitored for compliance.

In addition, I wish to encourage hospitals to make sure that residents, particularly those in primary care programs, get a broad range of the most appropriate educational experiences. Therefore, the bill makes it clear that all time spent providing patient care services, whether in the inpatient setting or in various ambulatory settings such as outpatient clinics or HMO's, would be counted toward the full time equivalents. The bill, in fact, provides for some financial incentives for hospitals to use such settings.

The amount which a hospital receives under Medicare and under Medicaid would depend on the proportion

E 2610

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

of its total inpatient days of care represented by Medicare and Medicaid patients. Thus, to determine its payment amount, the hospital would simply determine its full time equivalent residents, counting the proportion of time spent in providing patient care and applying the weighting factors discussed above. The number of full time equivalents would then be multiplied by the approved full time equivalent amount discussed above, to determine an aggregate approved amount for the hospital's cost reporting year. The aggregate approved amount would then be multiplied by the Medicare and Medicaid inpatient case load to determine the payment amounts under each of those two programs.

It is my understanding that, although reliable data are virtually nonexistent, there are considerable variations among hospitals in the costs they incur, on the average, for a resident in training. It is also my understanding that there are only modest variations among hospitals—or, for that matter, among specialties or years in residence—in the amounts spent for resident stipends and fringe benefits. The source of the large variations seems to be in the costs incurred for supervisory personnel, space and equipment, and other administrative and overhead expenses. While some variations are undoubtedly legitimate and should be recognized, it is appropriate to examine whether those who are incurring extraordinarily high costs, in comparison to the average spent by all hospitals, are administering these programs in an appropriate and efficient manner. Therefore, my bill would request the Secretary to conduct a study of these variations and to recommend whether these variations should be reduced. I have also sought to put some restraints on such hospitals, beginning in July 1987.

My bill also addresses the issue of Medicare and Medicaid support for foreign medical graduates. Considerable attention has been focused on this issue, with concerns expressed both about the quality of the medical education of some of these students and about the effect which they have on the costs of graduate medical education and on the supply of physicians. Nonetheless, at the present time, some institutions and patients are heavily reliant on foreign medical graduates for their care.

Some of these foreign medical graduates are citizens of the United States, who were not able to attend medical schools in this country and went to schools elsewhere. Others are not citizens of this country. They have studied in other countries, including at some of the finest institutions in the world, and have come here for advanced training and, in many cases, to make their lives here.

I believe that, at the present time at least, it is not appropriate to eliminate all support for such foreign medical

graduates. But, we need to be assured that these students meet acceptable levels of competence and we need to be mindful of the fact that, if their numbers were not restrained, they could undermine both our manpower goals and our budgetary concerns. It appears to me that the newly established foreign medical graduate examination in the medical sciences [FMGEMS], coupled with the current immigration laws, provides a reasonable balance among competing concerns. FMGEMS is widely recognized as being as valid a test of competence as the examination of the National Board of Medical Examiners. For the present, I would rely on rigorous enforcement of a requirement that all foreign medical graduates successfully complete both days of FMGEMS. In order not to disrupt existing relationships and programs, I would not apply this requirement immediately to any residents who are in training an approved residency program at the time this bill passed. Rather, those residents would be given an opportunity to pass the FMGEMS test next January. If they failed to do so, they could receive support for 1 more year, at a reduced level, in order to have two more opportunities to pass the test. If they had still failed to satisfy this requirement at that time, all further support would be eliminated.

Mr. Speaker, this is a complex, challenging, and very important policy issue. Finding a better solution to the funding of graduate medical education will not, by itself, solve all the problems facing Medicare and Medicaid in trying to make quality care readily accessible at affordable prices. However, viewed as part of a strategy that encompasses reimbursement reform, more appropriate use of health care technology, and quality assurance, improvements in graduate medical education have an important role to play. The bill I am introducing today is based on assistance and consultation from a broad range of interested and affected parties.

The Subcommittee on Health and the Environment held a very productive and thought-provoking hearing in April of this year. We were also assisted by an extraordinarily thorough and well-written research paper from the Congressional Research Service. I am deeply indebted to, and very grateful for, the assistance of all those who have cooperated in the preparation of this bill.●

THE SOVIET UNION—THE
CENTER OF INTERNATIONAL
TERRORISM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. YOUNG of Florida. Mr. Speaker, a trained, professional terrorist ear-

lier today confirmed what I have been saying for many years—that the Soviet Union is the "political and financial center of international terrorism."

Mehmet Ali Agca, the man convicted of attempting to assassinate Pope John Paul II, made the statement during the trial in Rome of three Bulgarians and four Turks who were involved in the 1981 attempt on the Pope's life. Agca related in his testimony the training he received from Soviet surrogates from Bulgaria, Syria, and Czechoslovakia.

Agca also acknowledged that Soviet surrogates have trained Western European terrorists from France, Italy, Spain, and Germany. It is terrorists from these groups that have carried out attacks over the years against American diplomats, servicemen, and tourists living and traveling in Europe.

The Soviets have been careful not to be directly linked to the training or support of international terrorists. That is why their aid and support has come through third-party channels, such as their surrogate nations. In addition to those countries cited by Agca, we know that Soviet allies such as Libya, North Korea, and Vietnam also aid and abet terrorist operations.

Soviet support for these groups, which claim hundreds of lives, thousands of injuries, and countless millions of dollars of damage to public and private property and businesses, have enabled international terrorists to secure the most modern arms, ammunition, communications equipment, and training available. In many cases, these terrorists are better equipped and trained than the security personnel of nation's assigned to guard against their attacks.

Americans throughout the world are the prime targets of international terrorists, who have at their disposal arms, equipment, and training from Soviet sources. This really shouldn't be very surprising, though, when you consider that the ongoing trial in Rome may directly implicate the Soviet Union for the attempt to murder the Pope, a man of peace and the world's most widely recognized religious leader.●

PROFESSIONAL FOOTBALL FAN
PROTECTION COMMISSION

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Ms. MIKULSKI. Mr. Speaker, on April 4, 1985, the Energy and Commerce Subcommittee on Commerce, Transportation and Tourism, of which I am member, completed a hearing on the problem of professional sports team relocations. We received testimony from numerous public officials, professional sports leagues, players'

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2611

representatives, and fans. Two principles were clearly enunciated by many of those participants. An extensive report released by the Congressional Research Service on April 2, 1985, also denoted the following principles:

Stability: The risk of team relocations is not only of concern to Baltimore or Oakland but is of concern to States and municipalities across the United States; and

Scarcity: The pressure for teams to relocate is a direct result of an artificial scarcity in team supply created by antitrust exemptions previously granted by Congress. This scarcity of teams, particularly in the NFL, has boosted the market value of a team by millions of dollars. It has resulted in destructive bidding wars between cities which are compelled to present owners with tremendous benefit packages at taxpayer expense.

A variety of bills have been introduced in the Congress attempting to restrict team movement unless specific criteria are met. The NFL and other sport leagues have supported proposals that reinvest the leagues with the power to approve or disapprove future relocations. The NFL has used this predatory environment to promote legislation which would provide broader antitrust exemptions. This legislation could more properly be designated the NFL Owner Relief Act of 1985. I am gravely concerned that any such legislation will exacerbate team scarcity, thereby preventing league expansion. Such legislation should be of particular concern to cities which may seek teams and cities whose existing teams may be threatened in the future.

Up to now, Congress has only reviewed these issues in a piecemeal manner whenever the issues were presented by the NFL or other sports leagues. The emphasis has always remained on the rights of the leagues and owners. Very little emphasis has ever been placed on the rights of communities and the sports fans.

For this reason, I am preparing to introduce the Professional Football Fan Protection Commission which will establish a short-term intercongressional Commission to evaluate the current league system from the perspective of the sports fan.

This Commission will evaluate various legislative proposals and make recommendations to the Congress of alternatives to relieve the team scarcity that underlies the problems we currently experience. The Commission will also explore the changing state of the electronic media which may cause the movement of important games to pay TV, and charges of anticompetitive conduct by competing sports leagues. This Commission has been carefully designed to avoid the valid objections of many in Congress to commissions in general. It would require no additional appropriation and would be staffed and financed from the budgets of the House and Senate

committees with jurisdiction over this legislation. Its term would only be 6 months and it would have broad subpoena powers.

It is time for the Congress to solve these problems at their source in a quick and decisive manner, and to protect the interests of sports fans and the communities in which these teams are located. We need answers to questions that the NFL has carefully avoided our asking. I welcome you as a cosponsor of this vital legislation.●

COMPARISON OF TAX PLANS

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. CAMPBELL. Mr. Speaker, we have heard much talk about which tax reform plan is the fairest and simplest, or which plan will assist certain groups of taxpayers the most. I would like to submit an article from Tax Notes entitled "A Bottom-Line Comparison of the Tax Reform Plans: Part II."

This enlightening report reveals some interesting facts by studying examples of individual taxpayers in income groups ranging from \$25,000 to \$200,000 per year. I found some of the conclusions to be useful. For instance, a two earner family with two children making \$27,000 per year would face a whopping tax increase under the Bradley-Gephardt plan. This family would pay 35 percent more under current law. Moreover, this same family would continue to face a tax increase every year since tax indexing is eliminated under this plan. This same family would pay 13 percent more under the President's proposal, and 7 percent more under Kemp-Kasten. However, this study disregards the 6-month differential between the elimination of deductions and the rate reductions under the President's proposal.

Under the same scenario—a two earner family with two children—but earning a combined income of \$41,575, the differences between the plans is not as great. Under the President's proposal, this family would obtain a 1-percent tax cut, but face a 5-percent tax increase under Bradley-Gephardt and a 4-percent increase under Kemp-Kasten.

The study continues by looking at another taxpayer \$87,000 per year. Under the President's proposal, this taxpayer would receive a 21-percent tax cut, compared with a 22-percent tax cut under Bradley-Gephardt and a 2-percent reduction under Kemp-Kasten.

While these type of studies do not represent everyone since the assumptions will vary from taxpayer to taxpayer, I believe they give a useful indication of what the different tax

reform plans mean for different people. The following is the report:

A BOTTOM-LINE COMPARISON OF THE TAX REFORM PLANS: PART II

(By Stephen R. Corrick, Linda Goold, and John A. Lindquist of Arthur Andersen & Co.)

The April 29, 1985 issue of *Tax Notes* (p. 535) provided four examples of the effects of several tax reform proposals. The examples were of individual taxpayers in income groups ranging from \$25,000 to \$200,000. Most had income derived principally from salaries, while one's income came exclusively from investment. Examples of both homeowners and renters were provided.

The April article compared results under current law, Treasury I. Bradley-Gephardt, Kemp-Kasten, and Stark-Chafee. Those examples have all been updated to show the effects of the President's plan, unveiled on May 28, 1985. The Stark-Chafee approach is not presented. As with the earlier presentation, no common thread can be discerned from these limited examples. Different fact patterns at any income level produce both favorable and unfavorable results under all four approaches.

For all calculations, it is assumed that the tax year is 1986. Treasury I. Kemp-Kasten (FAST), and Bradley-Gephardt (FAIR) are assumed to have been in place for the full year. Although the rate reduction in the President's plan (Treasury II) would not be effective until July 1, 1986, the presentation here assumes that it is in place for the full year, so that comparisons will be meaningful. Where appropriate, the inflation rate is assumed to be four percent, the same rate used in Treasury I. The CPI inflation of 4.1 percent for 1984 is used to adjust the zero bracket amount to presumed 1986 levels. All examples are two-earner couples with two children, filing a joint return.

EXAMPLE 1—LOWER-INCOME HOMEOWNER

Assumptions

Income:	
Salary:	
Earner 1	\$15,000
Earner 2	10,000
Interest income	250
Employer-paid health insurance	750
Employer-paid life insurance	50
Child care expenses	1,000
Total	27,050

Deductions:	
Charitable contributions	650
State income tax	800
Sales tax	300
Real property tax	600
Home mortgage interest	5,500
Other interest	1,100
Total	8,950

RESULTS

	Current	Treas. II	Treas. I	Fair	Fast
AGI	\$24,250	\$24,300	\$24,050	\$26,050	\$20,250
Deductions (net of ZBA)	-5,270	-3,000	-2,719	-8,800	-3,450
Personal exemptions (4)	-4,330	-8,000	-8,000	-5,200	-8,000
Taxable income	14,650	13,300	13,331	12,050	8,800
Tax	1,457	1,395	1,430	1,687	1,320
Credit	-220	N/A	N/A	N/A	N/A
Tax liability	1,237	1,395	1,430	1,687	1,320
Percentage change		13	16	36	7

E 2612

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

Comments

Each proposal increases the tax liability for the given family. Much of the increase is attributable to changing the child care credit to a deduction and to the loss of the two-earner couple exclusion. The President's plan (shown herein as Treasury II) produces a slightly more favorable result for this family because of the expanded zero bracket amount (ZBA) and more favorable charitable contribution provision. These two items more than offset the inclusion in adjusted gross income (AGI) of \$300 of employer-paid health insurance premiums.

EXAMPLE 2—MIDDLE-INCOME HOMEOWNER

Assumptions

Income:	
Salary:	
Earner 1	\$24,000
Earner 2	16,000
Interest	500
Employer-paid health insurance	1,000
Employer-paid life insurance	75
Total	41,575
Deductions:	
Charitable contributions	800
State income tax	1,600
Sales tax	350
Real property tax (homeowner only)	950
Home mortgage interest (homeowner only)	8,000
Other interest	1,500
Total	13,200

RESULTS—HOMEOWNER

	Current	Treas. II	Treas. I	Fair	Fast
AGI	\$38,900	\$40,300	\$40,075	\$41,575	\$32,500
Deductions (net of ZBA)	-9,520	-5,800	-5,200	-11,850	-6,450
Personal exemptions	-4,330	-8,000	-8,000	-5,200	-8,000
Taxable income	25,050	26,500	26,875	24,525	18,050
Tax	3,401	3,375	3,461	3,434	3,540
Surplus	NA	NA	NA	129	NA
Tax liability	3,401	3,375	3,461	3,563	3,540
Percentage change		-1	2	5	4

Comments

These homeowners experience slight tax increases under each plan except Treasury II. The minimal tax reduction is attributable to the more favorable treatment of the charitable contribution under Treasury II. As with example 1, the charitable contribution and expansion of the ZBA more than offset the increase in AGI attributable to employer-paid health insurance premiums.

EXAMPLE 3—HIGHER-INCOME INVESTOR WHO RENTS

Assumptions

Income:	
Dividends	\$50,000
Interest	37,000
Total	87,000
Deductions:	
Charitable contributions	2,500
State income tax	5,600
Sales tax	700
Other interest	4,000
Total	12,800

RESULTS

	Current	Treas. II	Treas. I	Fair	Fast
AGI	\$86,800	\$83,000	\$69,800	\$87,000	\$93,060
Deductions (net of ZBA)	-9,120	0	0	-12,100	0
Personal exemptions	-4,330	-8,000	-8,000	-5,200	-8,000
Taxable income	73,350	75,000	61,800	69,700	85,060
Tax	19,936	15,750	11,700	9,758	19,622
Surplus	NA	NA	NA	5,880	NA
Tax liability	19,936	15,750	11,700	15,638	19,622
Percentage change		-21	-41	-22	-2

Comments

This example illustrates the importance of the change in the treatment of interest expense under Treasury II. In this example, the taxpayer under Treasury I experiences a significant tax reduction arising from the indexation of interest income and expense. That provision reduced his investment income from its nominal level of \$87,000 to an inflation-adjusted level of \$69,800. Treasury II eliminates the indexation provision; the full amount of interest income is included in AGI. Thus, the tax reduction under Treasury II is much less than it would be under Treasury I.

EXAMPLE 4—UPPER-INCOME SALARIED HOMEOWNER

Assumptions

Income:	
Salary:	
Earner 1	\$125,000
Earner 2	75,000
Interest	10,000
Total	210,000

Deductions:	
Charitable contributions	30,000
State income tax	17,000
Sales tax	1,500
Real property tax	4,000
Home mortgage interest	25,000
Other interest	7,000
Total	\$84,500

RESULTS—SALARIED HOMEOWNER

	Current	Treas. II	Treas. I	Fair	Fast
AGI	\$207,000	\$203,000	\$201,800	\$210,000	\$218,640
Deductions (net of ZBA)	-80,820	-51,000	-47,164	-83,000	-55,700
Personal exemptions	-4,330	-8,000	-8,000	-5,200	-8,000
Taxable income	121,850	144,000	146,636	121,800	154,940
Tax	41,311	39,900	41,193	17,052	36,394
Surplus	NA	NA	NA	24,500	NA
Tax liability	41,311	39,900	41,193	41,652	36,394
Percentage change		-3	0	1	-12

Comments

The more favorable results under Treasury II for this fact pattern arise because the taxpayer receives the full benefit of his charitable contributions and because of the expanded ZBA.

Capital Gains

A separate example for capital gains is useful to show the diversity in the calculation of the amount of the gain itself, and also the impact of each proposal's rate structure. The example focuses on effective rates on nominal and inflation-adjusted, or "economic," gains.

This example assumes a single taxpayer with \$83,400 in wage income and a \$100,000 nominal capital gain. (The income level was

chosen to establish the tax rate and so that no employment-income exclusion under Kemp-Kasten (FAST) would result.) The capital asset is assumed to have been held for 10 years and to have appreciated at an annual rate of 11 percent. Inflation for the period is assumed at seven percent annually; hence, the real gain is only \$47,421. For simplicity, the taxpayer is assumed to have no itemized deductions.

EXAMPLE—CAPITAL GAINS TAX RATE COMPARISON

RESULTS

	Current	Treas. II	Treas. I	Fair	Fast
Taxable capital gain	\$40,000	\$50,000	\$47,421	\$100,000	\$60,000
Tax attributable to gain	\$19,000	\$17,500	\$16,597	\$30,000	\$14,400
Effective rate on nominal gain (\$100,000)	19.9	17.5	16.6	30	14.4
Effective rate on real economic gain (\$47,421)	41.9	37	35	63.3	30.4

FARM BILL, PART 4: THE NEED FOR AND PATH TO A MORE MARKET-ORIENTED ECONOMY

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GUNDERSON. Mr. Speaker, the Secretary of Agriculture stated that:

The present program for readjusting productive acreage to market requirements is admittedly but a temporary method of dealing with an emergency. It could not be relied upon as a permanent means of keeping farm production in line with market requirements.

The Secretary of Agriculture was Henry A. Wallace. The statement was made 1 year after the current Agricultural Adjustment Act was enacted in 1933.

More than 50 years have lapsed since the implementation of those "temporary" programs. During this span of time, and until most recently, our stocks in the world market have continued to expand.

In the past 4 years, our participation in the world market has dropped from 48 percent in 1980 to 38 percent in 1984, despite a consistently high degree of grain consumption worldwide. The story is much the same for feed grains. This year, the United States will export 54 percent of the total world trade relative to 72 percent in 1979.

We have blamed domestic and international barriers that limit our trade potential abroad for this change. While those barriers clearly affect our trade, we should also consider the possibility that our own domestic policies present an equally difficult barrier to export trade. Although our present supply management and price support systems are vital to the immediate economic welfare of our Nation's farmers, we need to recognize that the price in-

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2613

creases they create continue to undermine the farmers' long-term potential for commodity sales abroad by pricing us out of the world market in some cases. Clearly, an agriculture policy that minimizes the domestic barriers to export trade—a market-oriented policy—is not only opportune, it is crucial to the long-term security of the family farm.

It is impossible, however, to immediately implement a market-oriented policy. At present, far too many farmers run the risk of economic collapse to expect them to be capable of absorbing the inherent consequences of any overnight change in price support programs. Thus, the success of any transition to a more market-oriented farm policy will be directly contingent upon the degree to which it is gradually implemented. In short, we must stabilize farm income and maintain it at a level which allows increased commodity sales to offset a decrease in Government commodity support. This will, of course, require the continuation of current management supply programs and income support payments, and should provide for additional assistance during such a transition.

During this time, we must exhaust every outlet possible to enhance our export potential. Our objectives should be as follows:

First. To improve net farm income.

Second. To expand and enhance U.S. trade through joint efforts of farmers, Government agencies, agribusinesses, and grain merchants; and

Third. To balance U.S. wheat and feed grain production with domestic and world demand, thus reducing U.S. surpluses.

THE TEMPORARY NEED FOR AND POTENTIAL REVISIONS IN SUPPLY MANAGEMENT AND INCOME SUPPORT PROGRAMS

Because we understand that a nation remains strong only so long as it can feed its people, we must move cautiously. It is improbable and, consequently, dangerous to hope that an increase in commodity sales in the world market will immediately offset a decrease in commodity prices paid to the farmer. This becomes especially important given the fact that our productive capacity is expected to exceed both domestic and export requirements for the remainder of the decade. Under the current conditions, the implementation of a market-oriented policy without provisions for farm price support would effectively destroy our production base as many farmers would be forced out of business.

Clearly, short-term supply management is essential not only to moderate production and stabilize farm income, but also to establish a sound base on which a market-oriented policy may be built for the benefit of all producers. However, under current provisions, loopholes exist for abuse. For example, acreage allotments permit farmers to take their least productive land out of use while increasing production on

the remaining acreage. This often results in increased production coupled with increased Federal funding for compliance with reduction efforts.

Another provision within the context of supply management—the farmer-owned reserve—has recently been criticized for encouraging surplus production and creating market shortages. It was intended to secure an adequate reserve to accommodate fluctuations in world demand; however, last year, due to inflexible regulations, the United States ended up importing Canadian wheat because release prices created artificial barriers which restricted the wheat surplus from exit.

These are but a few instances which attest to the counterproductive nature of some of these provisions. Revisions are, no doubt, in order if their continued use is to be effective for farmers and efficient to Government spending.

Before discussing the necessary revisions to supply management and income support, it is imperative to establish their separate functions and clarify the different means by which the two programs stabilize farm income.

SUPPLY MANAGEMENT

Supply management limits the land on which a commodity may be grown. This process stabilizes farm income by limiting the supply of a commodity. The effect is an artificially created reduction in the commodity grown and marketed, leading to a price increase. It differs from income support in that income support supplements farm income either directly through deficiency payments or indirectly through price support means. Supply management may range from acreage set asides to farmer-owned reserves.

Unfortunately, current acreage reduction programs have been ineffective largely due to their presumption of a constant yield per acre. Because controls have been placed on acreage rather than production, farmers have been able to produce as much, if not more, than in previous years while maintaining eligibility for payment.

In effect, we have been trying to limit the production of a commodity by limiting the acreage on which the commodity is grown. We must target the commodity itself. Furthermore, acreage diversion has been based on an estimate of total land use rather than on the previous year's production. Clearly, if true supply management is our goal, a new system for determining bases and yields must be implemented. Eligibility must also be contingent on long-term participation. On again/off again participation only encourages market volatility.

A second means of supply management is the farmer-owned reserve. Although this program serves to avoid food shortages, it has recently been criticized for acting like the commodity loan and acreage reduction programs to create artificial shortages and artificial prices. Even though such artificial changes are extremely short

lived in open world markets, our competitors respond accordingly—planting more to sell in world markets. The following revisions in the present program should, therefore, be considered.

First. The reserve needs to be capped at a level to prevent the accumulation of excessive stocks (probably 15 percent of annual wheat utilization and 10 percent of annual feed grain utilization).

Second. Incentives for entry into the reserve need to be lowered to avoid setting an artificial price level through the reserve; and

Third. Release triggers for the reserve should be made more flexible.

INCOME SUPPORT

Income support may be accomplished either directly through deficiency payments or indirectly through price support measures.

Deficiency payments are direct payments to the producer for the difference between the target price and the market price or the loan rate, whichever may be the higher of the two. Unfortunately, the present loan rate level is at a rate not only higher than the world market price but also higher than the domestic market price. This has encouraged farmers to overproduce in spite of acreage diversion attempts. Furthermore, the present loan rate, established arbitrarily by Congress, does not address the world market nor is it flexible enough to accommodate economic changes in that market broad. A reduction in the loan rate and provisions for flexibility would greatly assist our competitiveness abroad.

Price supports include indirect payments made to farmers through non-recourse loans and subsequent commodity purchase. These programs, funded by the CCC, were originally intended to supplement farm incomes without making direct and costly Federal payments.

Nonrecourse loans act as a shelter for a farmer's commodity during periods of depressed market value. Although this program has resulted in ample reserves to compensate for anticipated shortages, it has, regrettably, encouraged farmers to produce regardless of the actual market demand. Current provisions allow the farmer to sell his collateral and repay the loan. However, after 9 months, if the farmer has not sold his commodity on the open market, the CCC has no recourse but to keep the collateral/commodity in exchange for forgiving the loan. Now, since the amount paid (based on the loan level) is consistently above the market price, farmers are encouraged to gear production toward these inevitable Federal "purchases." This is directly counterproductive to our domestic economy. Further, the effects abroad are considerable.

One alternative to current policy is to extend the loan period for another 9 months with the hope that the extension will result in greater market

E 2614

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

sales, thus reducing Federal outlays and Government surpluses.

Another possibility is moving to recourse loans (as opposed to nonrecourse loans) which place greater responsibility on the producer. This alternative ensures the same loan privileges as the nonrecourse loan; however at the end of the loan period, the consumer must repay the loan and retrieve his collateral. The advantage of a recourse loan is clear—the producer is responsible for the marketing of his commodity and more conscious of market conditions.

These revisions would not only increase the effectiveness of Government programs but also their efficiency. By regulating commodity output rather than acreage intake, we become more efficient in limiting surpluses. By targeting deficiency payments, we are more effective in income support. Finally, through revisions in our loan policy, we are simultaneously more efficient and effective.

THE IMPLICIT EFFECTS OF SUPPLY MANAGEMENT AND INCOME SUPPORT ABROAD

Regardless of their immediate domestic benefits, the inherent nature of these programs is counterproductive to foreign trade. Supply management and increased target prices or loan rates are an invitation to competitors to increase plantings and supply the markets we voluntarily forfeit or price ourselves out of. The farmer-owned reserve sends the same message by creating artificial shortages.

THE NEED FOR REFORM

While these measures continue to be necessary in the short run, maintaining them in the long run would paint a grim picture. If retained, price differentials would widen between those here and abroad and economic pressures to import would grow. We could very well find ourselves forfeiting an even greater share of the world market we presently hold.

Thus, we are confronted with two choices: The policies we adopt may either sustain the farmer at significant cost while continuing to forfeit shares in the foreign market, or accept the challenge foreign markets offer and gradually implement domestic policies which enhance our export potential. From an economic point of view, there is really only one choice if the goal is economic freedom.

Accordingly, in an effort to guide our market oriented policy, we must:

First, recognize that we will not be credible proponents of freer trade so long as we continue to be protective of our own markets; proposals for domestic-content regulation and present cargo preference laws clearly weaken our negotiating position;

Second, recognize that many lesser developed countries will not be able to import agricultural products unless we and other industrialized countries are more willing to accept their labor-intensive manufactured products;

Third, negotiate additional international commodity agreements which tend to stabilize markets;

Fourth, continue research into technological advances in agricultural efficiency to maintain our productive edge in the world market;

Fifth, expand efforts at market development. We cannot afford to expand our exports in markets about which we know very little. Further, to be effective, we must evaluate the impact that agricultural policies of other countries have on our exports;

Sixth, offset the export subsidies of other countries, either directly or through the use of a "bonus commodity" program in those cases where freer trade agreements cannot be accomplished; and

Seventh, fund and actually use the export credit revolving fund and make better use of our other export credit programs.

Thus, the process of moving toward a more market-oriented agricultural policy is, of necessity, a two-step process. While we must continue income support and supply management programs in the short run until the current downturn in the agricultural economy has run its course, we must, secondly, realize that their permanent retention will only worsen the problems our farmers face in marketing their production. At the very least, we must begin to prepare our farmers for this ultimate shift.●

A CONGRESSIONAL TRIBUTE TO WILLIAM LUCAS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Dr. William Lucas of Los Angeles, CA, who will be retiring on June 30 from the Los Angeles Unified School District.

After serving 3 years in the Army Air Corps, Bill Lucas returned to Los Angeles where he received a bachelor of science degree in management and industry from the University of California Los Angeles. He then continued his education at UCLA, earning a masters degree in elementary education and a doctorate in education.

In 1951, Bill Lucas began his career in education as a teacher in the Santa Monica Schools. The following year, he joined the Los Angeles Unified School District. Bill became a consultant for the district in 1956, and was promoted to vice principal the next year. From 1960 to 1967, Bill was the principal of a number of schools in the district. Then he became the administrative coordinator for the entire school district. From 1972 until his retirement this month, Bill Lucas has been the assistant superintendent for government relations.

In his current position, Bill has been able to act upon his knowledge that

schools are inexorably linked to local communities and the political process. As a result, he has been honored with the chairmanship of the American Association of School Administrators' Federal Policy and Legislation Committee; the Western States Education Coalition; and the Association of California School Administrators' State Committee for Federal Legislation and Finance. In addition, Bill is on the executive committee of Schools' Committee on Reduced Utility Bills [SCRUB]; the legislative chair of the Coalition for Adequate School Housing [CASH]; and a board member of Law in a Free Society. Bill is also a member of Phi Delta Kappa, the education fraternity, and a life member of the Parent Teachers Association [PTA]. He enjoys hunting, fishing, and traveling in his spare time.

Although Bill Lucas will be retiring on June 30 from the Los Angeles Unified School District, he will work in Sacramento, CA as a consultant on education issues.

My wife, Lee, joins me in wishing Bill Lucas and his wife, Patricia, all the best in the years ahead.●

STATEMENT ON THE PLAN TERMINATION AND REVERSION CONTROL ACT OF 1985

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ROYBAL. Mr. Speaker, in an attempt to address the problem of overfunded pension plan terminations by employers which deprive American workers and retirees of their retirement income security, I am today reintroducing the Plan Termination and Reversion Control Act of 1985.

Why would a company drop a pension plan? It's done for the money. Large numbers of pension plans are temporarily overfunded today, because the value of their investments is up, interest rates are up and employment is down. A number of companies now find themselves with more assets in their pension plans than are needed to pay vested benefits. The only way they can recapture the excess assets quickly is to terminate the plan. Companies are generally not allowed to borrow surplus from their pension plans. But the Employee Retirement Income Security Act of 1974 [ERISA] the Federal law which regulates private pension and welfare benefit plans does not prohibit employers from terminating the plan and taking the surplus assets for their own.

According to administration figures from 1979 to January 1985, over 579 overfunded defined benefit terminations involving reversions in excess of \$1 million have occurred. Nearly 700,000 workers have had their pension benefits affected by these termi-

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2615

nations and more will be affected in the future unless Congress takes action.

In overfunded plan terminations, both employees and retirees may lose valuable retirement benefits they will need to make their retirement financially secure. For example, a 15-year employee of XYZ Corp. who plans to retire in 10 years may reasonably expect to receive pension benefits of \$550 a month on retirement, as defined in the pension plan. However, as a result of the termination of the corporation's overfunded pension plan, the employee might receive a benefit of only \$300 a month. Even if a new plan were initiated, it would treat this worker as a new employee, so benefits would not accrue fast enough to provide anything like the pension anticipated under the old plan. Similarly, a retiree who might anticipate an ad hoc cost-of-living increase from his employer will, after an overfunded termination, typically not receive such a cost-of-living increase because the excess assets that would otherwise fund the increase will now be taken by the employer.

Employers are terminating their pension funds to recover so-called excess assets. These are amounts which remain after all liabilities—benefits to workers—have been satisfied after the termination of the pension plan by the employer. These excess assets however, are not really excess at all but rather represent benefits which would otherwise be paid to workers but for the premature termination of the plan by the employer.

A Department of Labor study on overfunded terminations concluded that the difference to workers between an expected real benefit and a terminated nominal benefit, where there is no replacement plan, could represent approximately 45 percent of the real expected benefit. Also, under a number of different termination scenarios, workers age 45 through 65 will lose a substantial portion of their expected retirement benefit due to an overfunded plan termination because of the loss of accruals at these later ages under certain funding methods. Thus, the termination of an overfunded plan can have a devastating impact on the retirement security of a worker and his family. Moreover, retiree's would lose cost-of-living adjustments because such adjustments typically are provided through the plan's excess assets, money that will now go to the employer on termination of the plan.

PURPOSE AND BILL SUMMARY

It is the purpose of this bill to establish a Federal policy which will insure that workers and retirees are effectively protected from the loss of their pension benefits due to overfunded plan terminations which are initiated so that employers will recover excess assets. Such a Federal policy will make clear that the principle intent and purpose in establishing a pension plan and providing a tax qualified basis for

the contribution and accumulation of pension assets is to provide a secure and definable retirement income for workers and their families. The continuing trend of overfunded plan terminations represents a clear and present danger to the retirement income security of workers and retirees. To better ensure the retirement security of workers and retirees from such danger, the proposed legislation establishes a number of safeguards. The bill would:

If the termination was pursued because of a bona fide "business necessity", then the employer will be able to recover excess assets, subject to a 10 percent excise tax, under certain conditions specified in the bill.

If the termination was not caused by a business necessity that is was not the result of bankruptcy, insolvency, or other business hardship, then the bill provides that the employer may still terminate the plan but any excess assets would be ratably distributed to workers who are within 5 years of normal retirement age and retirees under the plan. An excise tax of 10 percent would be imposed on any remaining amounts which are not distributed to workers and retirees.

A failure to ratably distribute to workers and retirees, as prescribed in the bill, would constitute a violation of the fiduciary provisions under title I of ERISA.

A termination which meets the business necessity test will enable an employer to establish a comparable successor plan which is similar to the terminated plan, however; such a successor plan must provide benefits—that is vesting, accrual, and dollar benefits—which are no less than those provided by the terminating plan, must provide past service credit under the comparable plan, must receive approval for an accelerated funding method for the comparable plan and must provide a cushion of assets in the comparable plan equal to 125 percent of the rate of funding under the funding standard account of the terminated plan in the year prior to its termination.

Establish a new Federal cause of action for liability for exertion of undue influence or material misrepresentation by a party in interest with respect to a fiduciary relating to a single-employer plan termination which seeks to entrench corporate management or consolidate the position of that party in interest.

Clarifies that mergers, consolidations, or transfers of plan assets must not inure to the benefit of an employer.

An application for an overfunded termination will be subject to a public hearing on the record to enable both the employer and plan participants to articulate their views regarding the pending termination application.

Certain restrictions will be placed on contributions of employer stock and other employer investment media contributed to a plan. Specifically, a plan

will be able to invest no more than 5 percent in qualifying employer securities and employer stock which is contributed may not contain features of debt when contributed to the plan.

A study will be commissioned to determine whether standards for appropriate actuarial assumptions and methods should be imposed for the funding of plans.

In a conversion from a defined benefit plan to an employee stock ownership plan [ESOP], a vote must be taken among participants to determine whether a conversion will occur.

Plans which commit an overfunded termination will be prohibited from instituting a comparable plan for a 5-year period after the termination. Certain restrictions on funding and funding deficiency waivers are also imposed on successor plans.

REVIEW OF ADMINISTRATION ACTIONS

The Reagan administration has done little to impede or resist this rising tide of plan terminations which deprive workers of needed pension benefits. In less than 5 years employer pension terminations have netted approximately \$4 billion for corporations. Applications to terminate overfunded pension plans worth an additional \$2 billion are pending. Hundreds of thousands of workers are affected. Issuance of new guidelines by the administration on asset reversion are not targeted to stop or resist pension raids. Rather, the guidelines offer new opportunities for corporate sponsors to accomplish plan terminations and will allow new and questionable techniques to be used to accomplish these terminations.

Overfunded pension plan terminations are not the only form of proliferating pension abuse that is growing. Increasingly, employers are contributing various forms of employer stock and other investments in lieu of cash to their pension funds. This has been particularly true in instances of corporate mergers and takeovers where stock held by the pension fund of the employer may prove to be crucial in resisting a takeover attempt. The abuse which may occur in such instances involves a loss to the plan of what the true market value of such a contribution should be and the manipulation of the pension fund to benefit the employer at the expense of the employees. The use of employee stock ownership plan's [ESOP] by employers as a device to either resist or accomplish a takeover attempt raises substantial questions under ERISA as to whether the interests of employees are well served by such actions. Moreover, restrictions on the ability of employees to vote their stock shares in ESOP's or other pension plans raise questions as to whether their interests are being adequately and appropriately represented by plan trustees.

It is now incumbent that the Congress examine these growing manifestations of employer directed assaults

E 2616

CONGRESSIONAL RECORD — *Extensions of Remarks*

June 6, 1985

on the security of pension benefits to workers. As the Congress has striven to provide security for workers under Social Security, it is no less important that the Congress assure workers that their pension benefits are equally secure to provide an adequate retirement income.

The House Select Committee on Aging has conducted two hearings regarding instances where workers have lost potential retirement benefits through such overfunded terminations. The first hearing, on June 7, 1982, reviewed the situation of the termination of the Harper & Row Publishers pension plan and its subsequent replacement by an employee stock ownership plan that was instituted by the management of that publisher. Present and former employees of Harper & Row testified at that time that the termination of the Harper & Row plan resulted in a loss of their retirement and resulted in significant losses of benefits due to the inordinately high 15 percent rate was applied to lump-sum distributions to many of the workers.

A second hearing held on September 28, 1983, indicated the continuing problems associated with overfunded terminations generally and examined the status of Federal law as viewed by the Department of Labor and the Internal Revenue Service on overfunded terminations. The Department of Labor testified that the decision of a plan sponsor to terminate a plan is a business decision and not a fiduciary decision covered by ERISA. The Internal Revenue Service testified that, generally, the various requirements of the Internal Revenue Code permitted the return of surplus assets after the satisfaction of all accrued benefits to participants and beneficiaries at the termination of the plan. Moreover, the Service indicated that those amounts which arose as a result of "erroneous actuarial error" were recoverable by employers under the Service's regulations. Finally, the Service testified that it was concerned about the 10 new possible arrangements for terminations involving so-called spinoff terminations and termination reestablishment cases.

Since that testimony by the Department of Labor and Internal Revenue Service to this committee, Robert A. G. Monks, Pension Administrator for the Department of Labor on April 4, 1984, before the Senate Labor Subcommittee, announced a new administration position regarding overfunded terminations. This new position provides that employers may engage in spinoff and termination reestablishment terminations. A spinoff termination involves the termination of an overfunded pension plan in which the surplus and retired participants are retained in the former plan while a new and substantially comparable successor plan is created for active participants. The former plan is then terminated so that the employer may recov-

er any excess assets. In a termination reestablishment case, the plan, which is overfunded, is terminated by the employer to recover the excess assets and a new substantially comparable defined benefit plan is instituted to replace the former plan. Both of these methods of terminating and subsequently substituting a substantially comparable successor plan have been permitted under the administration's implementation guidelines.

The administration guidelines require that upon the termination of the plan, all participants and beneficiaries must be fully vested in their accrued benefits and that annuity contracts must be purchased for these individuals. Noticeably absent from these guidelines however, is any requirement to mandate that past service credits from the previous plan be credited to the successor plan for participants. While there is some argument that annuitization of vested credits provides some inflation protection for those vested benefits, clearly with respect to those plans in which the salary factor plays a principle role in determining benefits, final pay plans, the absence of any requirement to pick up past service credit in a successor plan will result, in some degree, in a diminution in benefits that would have otherwise been realized under the previous defined benefit plan. To this degree, and more starkly, the absence of mandated past service credits in a successor plan may well invite a reduction in absolute terms of projected benefits that could have been earned under the previous plan. Moreover, for a less altruistic employer, the absence of mandated past service credit may represent an open invitation to diminish benefits in any successor plan that might be instituted by the employer.

A group of tax attorneys who had petitioned the Internal Revenue Service and the Pension Benefit Guaranty Corporation to utilize the spinoff method of termination, had provided in their submission that a "cushion" of excess assets be carried into the successor plan, ostensibly to protect against a shortfall in funding in early years and to provide some modicum of protection to the Corporation in its responsibility to the successor plan. However, the administration did not see fit to include a requirement for a cushion within its guidelines. Rather, after some review, it was apparently felt that the annuitization of accrued benefits and the minimum funding standards would be sufficient to protect future benefit accruals and provide sufficient insulation to the Corporation with respect to the successor plan. It is problematic however, that the annuitization and minimum funding standards will provide sufficient protection particularly for the Corporation in the event that a termination of a successor plan occurs in years shortly after the creation of the successor plan. Moreover, it is also reason-

able to assume that at any point at which interest rates and other markets decline and affect the actuarial liabilities of the plan, that the administration's guidelines will not provide a sufficient buffer to insure an adequate and solvent funding of the plan under those circumstances, particularly within the early years of the successor plan's creation.

An abuse noted in previous committee hearings and recognized as an issue within the administration guidelines has been the use of inordinately high interest rates applied to lump-sum distributions made to participants upon termination. Testimony by one witness before the committee indicated that based upon his 12 years of service with Harper & Row Publishers he had received a lump-sum distribution of approximately \$700 for his accrued benefit. Upon seeking a life annuity from an insurance carrier however, he received a quote of approximately \$7,000 to secure such an annuity. The administration has responded to this abuse by promulgating a regulation that requires an interest rate be used which approximates a market or annuity rate. While the new rate set by the Corporation will more closely align within prevailing market interest rates, such a formulation however, still falls short of the most accurate barometer of accrued benefits, the use of an annuity interest rate to determine lump-sum amounts.

The use of the spinoff and termination reestablishment techniques and certain other requirements which are embodied in the administration guidelines raise significant questions regarding the authority under ERISA and the code to permit such arrangements. One threshold problem involves an apparent lack of authority under the code and title IV of ERISA to prescribe certain conditions attending a spinoff and termination reestablishment. The use of the spinoff and termination reestablishment techniques directly undermine the minimum funding standards prescribed under titles I and II of ERISA. No exception or limitation is provided within those provisions to permit a redefinition or reorientation of the specific requirements of funding in the manner constrained through spinoff and reestablishment terminations. Moreover, there would appear to be little or no authority within the fabric of title IV upon which the Corporation could authorize the use of these techniques. The requirement that a plan sponsor could not engage in another termination and subsequent reestablishment of a defined benefit plan within a 15-year period is not specifically prescribed in either the code or title IV of ERISA, but rather it appears to be based on the 15-year requirement to amortize experience gains. Basically, the administration guidelines in this area simply undercut the policy and requirements of minimum funding

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2617

under ERISA making null and void the need to preserve reserves of funding to protect participants, plan sponsors and the Corporation. The policy of the guidelines in this area simply cede to the employer any surplus through plan termination with little or no recognition of the policy objectives and requirements respecting minimum funding.

In recent correspondence between the Select Committee and the Department of the Treasury, it has become clear that the administration views the guidelines as merely a statement of enforcement policy rather than a substantive set of rules controlling plan asset reversions upon termination. Such a view makes clear that the guidelines need not be observed by a court and, in fact, the guidelines are presently being challenged in the courts by two plan sponsors, Celanese Corp. and Interco, Inc., who contend that certain specific requirements of the guidelines lack an appropriate statutory basis. These contentions by plan sponsors mirror closely the previously enunciated concerns of the Aging Committee in correspondence to the Treasury Department and the Pension Benefit Guaranty Corporation. The outcome of these pending lawsuits may well portend the demise of an enforcement strategy which held little statutory credence.

A significant area without guidance in the guidelines involves tax policy and the opportunity for tax abuse through overfunded terminations. The Committee on Aging has written extensively to the Service inquiring whether, in their opinion, opportunities for tax abuse exist within the present structure of overfunded terminations which have occurred to date. The responses of the Service had largely been unedifying on this topic until recently. It is clear is that an employer through the recapture of excess assets has received a tax deduction for contributions and an exemption for interest and dividends realized on plan assets. This preferred tax treatment is accorded to encourage the establishment and presumed maintenance of permanent programs of pension benefits to provide retirement income security to workers covered under these programs. An employer who is recapturing excess assets is reaping a significant tax benefit even assuming the reversion is included as income to the employer. An employer in a position to offset any tax liability with respect to the reversion through tax loss carry-forward may significantly defray or entirely eliminate any tax liability that would otherwise result from the reversion. Such a result can be analogized to other abusive tax treatments of investments which have been the concern of both the administration and the Service in other areas. Simply, some employers may have treated their tax qualified pension plan as merely a tax-free corporate-savings device. In its most recent revised tax

plan, the Department of the Treasury is seeking the imposition of a 10-percent excise tax on any asset reversion arising out of a plan termination. This position was taken by the Treasury Department in recognition of the favorable tax treatment accorded to pension plan contributions that would otherwise inure to the benefit of an employer at termination, but for the imposition of the excise tax to recover amounts which should be taxed.

Perhaps the single greatest failure of the administration guidelines is that they fail to address the basic concern implicit in overfunded terminations. That is, that as a matter of public policy the failure to in any way inhibit or control overfunded terminations serves to erode the basic Federal policy supporting the establishment and maintenance of pension plans, which is to provide a secure reservoir of moneys to provide retirement income to workers.

Recent data derived from the Pension Benefit Guaranty Corporation [PBGC] indicate that, after the issuance of the administration guidelines in May 1984, the number of overfunded defined benefit plan terminations has substantially increased. PBGC data indicate that an estimated 279 plans, each with over \$1 million in excess assets reverting to the employer, were to be terminated in 1984. This number of terminations is comparable to the total of all such terminations, 284, for the previous 5 years, 1979-83. It is also notable that the total of excess assets to be reverted to employers for 1984 is expected to exceed \$3 billion, this compared with \$2.14 billion for the period of 1979 through 1983. The data also indicates that the average reversion to the employer has substantially increased. For example, in 1980, the average reversion from an individual plan was approximately \$2.1 million. By 1984, this figure has grown to approximately \$11.3 million per terminated plan.

The majority of these terminations have been taken not because of a financial necessity of that employer but, rather, because the employer desired to obtain a reversion to accomplish some business purpose which might include preventing or sponsoring a takeover, improving the financial statements of that employer, or using the reversion to finance the acquisition of employer stock. While some commentators may believe that the use of a reversion in this manner is not an appropriate subject for review in the context of setting policy on employee pension plans, it would seem imperative that such a review is incumbent, at this point, to ensure that appropriate safeguards are provided to assure employee benefit security. Presently, there are pending applications for overfunded terminations—involving reversions of \$1 million or more—which are rapidly approaching \$1 billion. The issuance of administration guidelines, which sanction the use of

spinoff and termination reestablishment techniques, would seem to provide a fertile environment to encourage further overfunded terminations. Moreover, the convenience of the termination vehicles available within the administration guidelines provide an easier mechanism to accomplish a plan asset reversion, than those methods previously sanctioned by the agencies.

DISCUSSION OF BILL

One provision of the bill would have the effect of prohibiting the use of so-called spinoff and termination reestablishment overfunded plan terminations. As indicated earlier, a spinoff termination involves the creation of a second and comparable defined benefit plan in which the active participants of the former plan are placed. The former defined benefit plan retains only retired participants—that is, participants who are already in pay status under the plan—and any surplus plan assets which exist in the plan. The employer typically purchases annuity contracts for retired participants and obtains a reversion of excess assets upon the termination of that former plan. Thereupon, only the active employees are retained in the subsequent successor plan which is substantially comparable to the terminated plan. With respect to a termination reestablishment arrangement, a defined benefit plan covering employees is wholly terminated and a reversion is taken by the employer upon the termination of that plan. Subsequently, a new and substantially comparable defined benefit plan is created to cover the same group of employees.

In both instances, these arrangements present significant difficulties with compliance with the minimum funding standards of ERISA. However, the bill would permit the use of a spinoff or reestablishment termination where a comparable successor plan was established, only in the instance where the plan sponsor has received a business necessity determination from the Pension Benefit Guaranty Corporation. The ability to establish a comparable successor plan, in an instance of business necessity, is taken in recognition that the employer not be penalized from maintaining a similar and consistent pension benefit program for his employees under this business exigency. However, to utilize such a comparable successor plan, the plan sponsor must meet certain conditions which include that: First, the benefit structure for the successor plan be equal to or greater than the benefit structure under the terminated plan, second, that there be a cushion of assets placed into the successor plan which equal 125 percent of the minimum funding requirement of the terminated plan in the plan year prior to its termination, third, that the plan obtain approval for an accelerated funding schedule to fund a successor plan, fourth, that no funding deficiency waiver be granted during the period

E 2618

CONGRESSIONAL RECORD — *Extensions of Remarks*

June 6, 1985

of accelerated funding for the plan and fifth, in the case of a spinoff the comparable successor plan retains the same benefit structure as the original plan and such benefits are not reduced or otherwise amended at any time during the accelerated funding period. Terminations which did not receive a notice of business necessity from the corporation would be prohibited from instituting a comparable plan for a period of 5 years. Specifically, no comparable successor plan could receive tax qualification for a 5-year period.

The bill describes the various tests which must be applied concerning the distribution of excess assets upon the termination of an overfunded defined benefit pension plan. In the first instance, any residual assets which are attributable to employee contributions shall be equitably redistributed to those employees.

A rule has been provided requiring that 50 percent of the remaining residual assets will be distributed to retirees in pay status and 50 percent will be distributed to those participants who are within 5 years of the normal retirement age under the plan. This rule is added to provide some modicum of financial protection for those individuals who are approaching retirement and retirees who would otherwise be deprived of benefit security through an overfunded termination due to the loss of ad hoc cost-of-living adjustments. Specifically, these individuals will now, through operation of the rule, receive additional benefits which will more closely approximate promised benefits under the plan and for retirees provide needed cost-of-living protection that could have been afforded through the existence of overfunded amounts.

With respect to amounts distributed to participants and beneficiaries who are already in pay status with respect to the plan, such a distribution shall be equal to that participant's or beneficiary's unpaid constructive cost-of-living increase. The term "unpaid constructive cost-of-living increase" is defined as the amount of such participant's benefits which would be remaining unpaid, after satisfaction of the liabilities of the plan to such participant or beneficiary as if general cost-of-living increases had taken effect under the plan. This section requires that in order to have such a distribution no cost-of-living increase would have been granted to retirees within the last 5 years preceding the termination of the plan. The cost-of-living adjustment shall be measured based upon an annual rate equal to a measure of the Consumer Price Index as prepared by the U.S. Department of Labor for the appropriate period.

With respect to any participants who have not received benefits, but who are within 5 years of the normal retirement age under the plan as of the termination date, such participants will receive ratable distributions. Such benefits will be measured based

upon the present value of benefits prior to the termination of the plan and in a manner as if the plan had not been terminated and the participant had continued to accrue additional benefits under the plan and attain the normal retirement age. In this manner, the participant will receive some additional benefits toward what he would have otherwise earned under the plan but for the premature termination of that plan. However, amounts distributable under this section are premised on the amount of available assets remaining to satisfy these benefits and, to the extent that assets are less than those needed to provide full benefits under this section, such remaining amounts will be distributed on a prorated basis.

In each instance where there is a required distribution of excess assets to a specific class, if assets prove to be insufficient to meet a full distribution to all members of that class, then an equal and prorated distribution shall be made to all members of that class so as to absorb all remaining assets for that class.

A special rule is provided such that if benefits between any class, those who are five years of the normal retirement age under the plan and retirees who are in pay status, would fall below 75 percent of the benefit provided to the other class, the Commission will be granted discretion to redistribute such amounts from the other class so as to assure that benefits do not fall below the threshold of 75 percent between the two classes.

A plan which is in effect on the date of enactment of this law shall be considered to meet the requirements of the law if within 60 days after enactment, provisions of that plan contain provisions which have been previously described. Generally, the provisions of this subsection will constrain that all excess assets which are the result of an overfunded termination that does not meet the requirements of a business necessity termination shall be used for the satisfaction of benefit payments to retirees and participants who are within 5 years of retirement under the plan. It shall be the responsibility of the Commission which is created under this law to promulgate appropriate regulations to interpret and enact the provisions of this law.

An excise tax is imposed in any situation where an employer receives excess assets upon an overfunded pension plan termination. This requirement mirrors the proposal of the Treasury Department under its revised tax plan which also would impose a 10-percent excise tax on all such reversions to employers.

With respect to an application for termination of an overfunded plan, the bill provides that a hearing on the record be held by the Commission to determine whether or not the termination should be granted. The hearing will afford plan participants, retirees, plan officials and other interested parties

an opportunity to express their views and concerns regarding the application for termination of the overfunded plan. In addition, such a hearing will better enable members of the Commission to define and understand those issues pertinent to the application for termination.

The bill establishes the new Federal cause of action wherein a fiduciary exerts or attempts to exert an undue influence or perpetrate a material misrepresentation to accomplish the entrenchment of a corporate management, typically related to an offensive or defensive posture related to a corporate takeover attempt.

Provisions of the bill make several significant changes to the manner in which employer securities are treated under ERISA. In recent years there has been a growing trend of contributions in kind—contributions of employer stock, leaseholds, limited partnerships, and so forth—by employers into their pension funds. Pension and Investment Age magazine has estimated that over one 18-month period employers contributed in excess of \$1.8 billion in the form of stock or other contributions in kind. There is every reason to believe that such contributions will continue and, in fact, have escalated over the last several years.

Contributions in kind raise a number of significant questions regarding their propriety and acceptability with respect to certain goals which are sought under ERISA. One of the immediate concerns raised by a contribution in kind is the appropriate valuation of such a contribution into the pension fund. While a number of large employers have striven to assure that an appropriate value was placed on a contribution into the plan, other small and close corporations may not attempt to assure the appropriate valuation of such contributions. If the value of the contribution does not reflect the value of the required contribution to the plan, then there is a potential that the plan will become underfunded. Moreover, with respect to the deduction taken by the employer for such a contribution, if the true value is not reflected by the actual contribution then a form of tax abuse has occurred with respect to such a contribution.

Additional problems are presented in instances where the employer reserves or otherwise restricts the voting rights of stock which have been contributed to the pension fund. In such instances, management may seek to consolidate its position through exercise of voting rights held by the plan. Such an exercise by management may be antithetical to the interests of participants covered under the plan. The Department of Labor's interpretation of relevant provisions of the prohibited transaction provisions would not appear to clearly delineate and prohibit the exercise of voting rights in such instances.

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2619

Finally, the growing use of contributions in kind as a funding medium, generally, present an opportunity for a loss of security in the manners described above. For this reason, the threshold of qualifying securities or real property is lowered from 10 percent to 5 percent under the bill. This will better ensure that additional protection is afforded through this lowered limitation for contributions and appropriate transitional rules are provided to achieve the lowered threshold.

Provisions of the bill in this section provide that any qualifying employer stock contributed to a plan not be encumbered by a bond, debenture, note, certificate, or any other evidence of indebtedness. Moreover, such a contribution may not be subject to any restriction on its marketability or on any voting power attached to the contribution. These restrictions will better assure that the interests of plan participants remain clear and unfettered by ancillary concerns which could be raised by management. In addition the Secretary of Labor shall promulgate regulations which will define a method of determining the fair market value of stock or other contributions which are contributed to a pension plan.

There are provisions in the bill concerning a study which will be conducted by the Joint Board for the Enrollment of Actuaries. The bill would require that the Joint Board conduct a study to determine reasonable actuarial assumptions and methods that could be prescribed for various types of pension plans. Upon completion of this study, after a 2-year period, a report would be prepared and submitted to the appropriate committees of the Congress to determine whether any legislative reforms will be needed based upon the report.

This study would be undertaken in response to concerns that certain actuarial assumptions and methods that are presently applied to some pension plans are inappropriate and/or produce actuarial assumptions which cannot be sufficiently justified under prevailing market conditions and reasonable actuarial projections. Moreover, there is a concern that code provisions which grant the Internal Revenue Service authority to review the actuarial assumptions adopted by plans may not be sufficiently stringent to assure the adequate funding of plans and the appropriate use of reasonable actuarial assumptions with respect to any given plan. It would appear to be reasonable, given the absence of appropriate standards or guidelines associated with the use of actuarial assumptions and methods within the profession, to examine and make determinations with respect to whether appropriate guidance should be applied in this area. Moreover, it would appear to be appropriate to invest the Joint Board with responsibility to conduct this study, make recommendations, and if determined necessary,

provide authority for the Joint Board to supervise the imposition of such appropriate standards.

With respect to employee stock ownership plans [ESOP], provisions of the bill would require that in any transfer of assets from a terminated plan to an ESOP, such a transfer must be approved in advance in writing by the participants in the terminated plan; that the proportion of voting rights remain equal to or no less than those rights existing prior to the termination of the pension plan.

This provision is included to better assure that the interest of participants, with respect to their voting of shares in an ESOP, is adequately protected through their ability to vote those shares. Moreover, the ability of participants to vote their shares will afford some protection against the ability of management to attempt to entrench itself or otherwise act in a manner which might be adverse to the interests of participants covered under the plan.

Certain restrictions are placed on the reestablishment or re-creation of a comparable plan after the termination of an overfunded plan which is not based on business necessity as formulated in the bill. Specifically, a plan which is terminated without business necessity is disqualified for a period of 5 years from establishing a comparable plan within that period. In addition, no funding deficiency waiver may be granted to a successor plan within 10 years after the termination of a plan which was not based on business necessity. With respect to the creation of a comparable successor plan after a termination for business necessity, no funding waiver may be available within 5 years of the termination of the former plan. Moreover, comparable restrictions are provided with respect to any extension of the amortization period in a manner similar to the restrictions discussed above. In addition, if a comparable plan is established within 5 years of the termination, a faster funding period is required for such a comparable plan to better assure adequate funding for future benefits.

The bill provides that the Pension Guaranty Benefit Corporation will administer the various provisions regarding terminations of sufficient overfunded plans and provides new authority for the PBGC to protect the interests of plan participants and retirees through new causes of action available under title I of ERISA which enable it to specifically enforce its authority in these various areas.

CONCLUSION

This bill is introduced with the intent not only to provide substantive standards to control and inhibit overfunded terminations, but, is also offered as a basis for discussion to attempt to arrange a framework which will better assure the retirement security of workers and retirees under such terminations. I solicit comments

and views on this proposed legislation.●

CHILDREN IN POVERTY

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. FORD of Tennessee. Mr. Speaker, last year I joined Congressman CHARLES RANGEL of New York in requesting a study from the Congressional Research Service and the Congressional Budget Office on children in poverty. That study was released on May 22, 1985. Part I of the study, which was prepared by the Congressional Research Service, examines historical trends of children living in poverty. Part II, conducted by the Congressional Budget Office, examines policy options for reducing poverty among children. The following is a summary of part I of the report. My colleague, Mr. RANGEL, has inserted a summary of part II immediately following my remarks.

SUMMARY AND HIGHLIGHTS OF CHILDREN IN POVERTY

I. POOR CHILDREN: A STUDY OF TRENDS AND POLICY, 1959-84

The Congressional Research Service prepared an historical analysis of children in poverty and Federal policy directed at those children. Highlights of their findings appear below.

NEW INSIGHTS

Never-married mothers present the most severe child poverty problem (three out of four children of such mothers are poor) and their ranks are growing. In 1980 almost one-fifth of births were to unwed mothers, 48 percent of black births, and 11 percent of white births. If the incidence of never-married mothers had not increased from 1969 to 1979, it is estimated that the overall poverty rate might have been five percent lower in 1979. (pages 249, 104 and 70)

More than one-sixth of poor children in 1983 were in families with at least one full-time, year-round job. These poor children numbered more than 2.5 million. Their existence belies the widespread view that a full-time job throughout the year is near-insurance against poverty. (pages 249 and 129)

Market income (excluding government transfers) poverty rates of children climbed 40 percent from 1973 to 1983. Instead of rising to fill the earning gap, government cash transfer payments to children poor without such aid declined by six percent in real terms. (pages 249, 183 and 177)

A smaller share of the population of poor children is receiving food stamps and AFDC but the share aided by subsidized housing has increased in recent years, and the share covered by Medicaid has held steady. (page 177)

Social security payments for children and their parents are substantially larger than Federal payments for AFDC benefit. (pages 249 and 218)

The capacity of economic growth to reduce the incidence of child poverty appears to have been diminished by growing inequality in the distribution of family income relative to poverty thresholds. (page 249)

WHO ARE THE CHILDREN WHO ARE POOR?

The poverty rate reached 22.2 children per 100 in 1983, the highest level since the mid-1960s. The number of poor children totaled 13.8 million, of whom more than half lived in families headed by a woman. (page 35)

A child's chances of being poor varied sharply by race, presence of the father, and marital status of the mother. (pages 31-32)

Almost half of all black children and more than one-third of all hispanic children were poor. In contrast, nearly five-sixths of all white children were not poor.

In 1983, most children in female-headed families were poor.

Overall, a black child was almost 3 times as likely to be poor as a white child in 1983.

Family composition and the age, race and education of the head of the family are all important factors in determining the poverty status of the family. For example, the poverty rate for children of white married couples whose father is at least 30 years old and a high school graduate is 6.5 percent. For children in black, single, female-headed families where the mother is under 30, and did not complete high school, the poverty rate is 92.8 percent. (page 127)

High rates of child poverty also occur in families with fairly young mothers (20-24), in female-headed families in which the youngest child is under the age of 6, in large families and in families where both parents did not complete high school. (page 6)

When AFDC was enacted, 88 percent of families that received State welfare were needy because the father had died. In March 1979, fewer than 3 percent of the AFDC children were paternal orphans. And in March 1983 more than 88 percent of the children had able-bodied but absent fathers; furthermore, the fathers of 47 percent of AFDC children were not married to their mothers. (page 13)

By Federal law, AFDC is available only to needy children in single-parent families except in certain limited circumstances. Twenty-seven States do not offer AFDC to unemployed two-parent families and States are prohibited from aiding needy two-parent families who are working. Over the years, there has been concern that concentration of AFDC benefits on fatherless families, and the program's exclusion of needy families with full-time jobs, may have inadvertently encouraged family breakup and unwed parenthood. (page 13)

PERSISTENT POVERTY

Two-thirds of children who are ever poor during a 15 year period remain in poverty for no more than four years. However, one poor child out of seven stays poor for at least 10 of the 15 years and can be considered "persistently" poor. These children spend two-thirds or more of their childhood in poverty. (pages 43 and 44)

Persistently poor children have characteristics that are different from the population as a whole. They are 90 percent black, a significant majority live in the South and lack a father in the home. They are most likely to live in rural areas. (pages 44 and 45)

Much of white poverty is short-term and associated with changes in marital status and family earnings. Black poverty lasts longer—the average black child can expect to spend more than 5 years of his childhood in poverty; the average white child less than 10 months—and is less affected by changes in family composition. (pages 47 and 48)

In theory, the poor can benefit either directly or indirectly from improved economic conditions. However, it appears that economic growth cannot be expected to reduce the rate of poverty among children very rapidly. Unless recent trends are reversed, it

might take as long as 12 years (with an unusually high 3 percent annual growth rate in average market income relative to poverty thresholds) for the poverty rates of male-headed families with children to drop back to the levels of 1979. For nonwhite female-headed families, it might take 5 years. (page 176)

FAMILY COMPOSITION

The number of female-headed families with children more than doubled from 1959 to 1983. The share of all children living in such families climbed from 9 to 20 percent. Among poor white children, nearly 40 percent live in female-headed families, whereas among poor black children that figure is nearly 75 percent. (page 57)

Poverty rates among children in female-headed families consistently have been much higher and more persistent than those for children in male-present families. However, from 1978 to 1983 poverty rates increased faster among male present families than in female-headed ones, increasing the share of poor children with a man in the home. (page 57)

The number of poor children increased by 3 million from 1968 to 1983, even though the total population of children decreased by 9 million in those years. (page 57)

In 1983, more than half of all children in families with five or more children were poor. In contrast, among children in families with only one or two children, just under 15 percent were poor. (page 57)

If the proportion of children in female-headed families had not increased over the last quarter century, it is estimated that the number of poor children in 1983 might have been almost 3 million less than it actually was. (page 57)

Birth rates to unmarried teenagers have increased steadily since at least 1940. Even though birth rates among teenagers overall are declining, more of their babies have been conceived out of wedlock and fewer of the mothers are marrying before the birth. (page 58)

HISTORICAL TRENDS

The child poverty rate was cut in half between 1959 and 1969 to a record low of 13.8 children per 100 in 1969. Since then the trend has reversed. By 1983, although it still was below its 1959 level, the child poverty rate had climbed about 60 percent above its 1969 low. (pages 3 and 5)

Although the levels are sharply different, the trends in poverty rates among black and white children were similar. Poverty rates among white children declined from 20.6 percent in 1959 to a low of 9.7 percent in 1969; from that time they fluctuated until they began to increase again to 16.9 percent in 1983. Among black children, the rates declined from 48.1 percent of black children in poverty in 1959 to a low of 39.6 percent in 1969. After a period of fluctuation that rate also increased again, to 46.3 percent in 1983. (page 74)

Whether poverty is measured before or after government transfer payments (social insurance and welfare), and whether the income counted includes or excludes non-cash benefits and money paid as taxes, child poverty rates rose especially sharply from 1979 to 1983. (pages 39-41)

From 1979 to 1983, the poverty rate for children under the official Census Bureau definition increased 35.4 percent. Under alternative definitions of poverty, the percentage increase was even larger, ranging from 48.9 percent to 63.9 percent. (page 40)

If taxes were deducted in the official definition, child poverty rates would increase by 0.8 percentage points in 1979 and by 1.5 percentage points in 1982. The number of additional poor children in 1982 (1.5 percentage

points) would increase by approximately 900,000. (pages 41-42)

THE EXPERIENCE OF TWO-PARENT FAMILIES

From 1978-1983, a period frequently marked by recessions and unemployment, the share of the nation's poor children in female-headed families decreased. This was because the poverty rate climbed more rapidly in the much larger group of male-present families, who generally obtain a larger share of their income from the job market than female-headed families. (page 72)

Without a working parent, a child is almost sure to be poor. But having a working parent is no guarantee against poverty. Many children need two earners to escape poverty. One-fourth of children in married-couple families would be poor if their only income were their father's earnings. (page 132)

When poor families do earn their way out of poverty, secondary workers often play a crucial role, accounting for one-third to one-half of the extra income that lifts children across the poverty threshold. (page 249)

WHY DIDN'T THE CHILD POVERTY RATE DECREASE AS OUTLAYS FOR SOCIAL PROGRAMS INCREASED?

The incidence of child poverty rose 52 percent in the decade from 1973 to 1983, when Federal spending for income security climbed 83 percent in constant dollars. Why?

There is no paradox. Government spending for social insurance and cash welfare benefits to poor children, unlike overall income security outlays, declined in value from 1973 to 1983. Adjusted for price inflation, aggregate social insurance and cash welfare payments to children with insufficient market income were about six percent smaller at the end of the decade than at the beginning. Furthermore, the population of such poor children grew about 30 percent. Hence, government cash transfers per child in need of them fell significantly. Aggregate outlays for food stamps to children rose 75 percent in real terms from 1974 to 1983. However, from 1976 to 1983, total available cash and food stamp benefits fell by 20 percent per poor child. (page 177 and 182)

The rise in the incidence and severity of market income poverty of children during the decade was so large that real cash transfers would have had to rise substantially to compensate. Instead, the share of poor children served by AFDC and food stamps has declined. The share of poor children who received food stamps in a survey month fell from 76 percent in 1978 to 69 percent in 1982. However, the share of poor children covered by Medicaid was unchanged from 1970 to 1983, at about one-half, and the share of poor households with children that received subsidized housing rose slightly from 1977 to 1981, when it was almost one out of six. (page 177)

AFDC benefit levels have been eroded by inflation although some of the cash benefit loss has been offset by food stamps. The maximum AFDC benefit of the median State (ranked by benefit levels) fell about one-third from 1971 to 1985 in constant dollars. Combined AFDC and food stamp benefits fell about one-fifth. (page 178)

The reduced cash benefits translated into higher child poverty rates. Together, social insurance and cash welfare transfers in 1973 reduced the poverty rate of children from a market income level of 18.4 percent to a post-transfer level of 14.4 percent. This was a reduction of 21.7 percent. In contrast, the combined impact of social insurance and cash welfare payments in 1983 lowered the poverty rate by only 14 percent (from 25.8

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2621

percent before transfers to 22.2 percent after them). If transfers in 1983 had achieved the same relative poverty reduction as in 1973, there would have been about 1.2 million fewer poor children in 1983. (page 183)

INCOME DISTRIBUTION

The distribution of income among families has become more unequal. Ranked by family income to poverty ratios, families in the lowest fifth of all families had an average poverty income ratio of 0.91 in 1968, compared with still lower ratios of 0.83 in 1979 and 0.60 in 1983. The average income/poverty ratio of the highest fifth of families was 8.0 times that of the lowest fifth in 1983. In 1968, the top fifth's average ratio was only 4.6 times that of the bottom fifth, and in 1979, this multiple was 5.9 (page 166)●

CHILDREN IN POVERTY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. RANGEL. Mr. Speaker, I am pleased to join my colleague, Mr. FORD of Tennessee, in bringing to the attention of the House the study, "Children in Poverty." This study contains alarming information about the number of children living in poverty. We are fortunate that it also contains policy options to reduce poverty among children. A summary of those options, prepared by the Congressional Budget Office for part II of the study, follows:

SUMMARY AND HIGHLIGHTS OF CHILDREN IN POVERTY

II. POLICY OPTIONS TO REDUCE POVERTY AMONG CHILDREN AND

III. COSTS AND EFFECTS OF EXPANDING AFDC

The Congressional Budget Office analyzed more than 40 proposals for reducing poverty among children. Where possible, estimates were made of the cost to implement the proposal, the effect on poverty, and the number of families benefited. Some of the options included in the study are described below.

ESTABLISHING MINIMUM AFDC BENEFITS
(Pages 290-292)

Creating a national minimum benefit level—in which AFDC plus food stamps would equal 65 percent of poverty—would target increased benefits on single-parent families in States with low benefits.

CBO projects that, if enacted, minimum AFDC payments to a family of three would equal \$396 monthly in 1986. For 2.2 million families currently receiving AFDC, this would increase monthly payments by an average of \$111. The net increase for those receiving food stamps—about 80 percent of those affected—would average \$73 because food stamp benefits would decline by \$38, on average. Roughly 190,000 families would become newly eligible for AFDC as a result of a minimum benefit, receiving average payments of \$197 per month.

As a result of this proposal, the poverty gap—the amount needed to bring all poor families to the poverty line—would decline by \$2.7 billion. Setting the minimum benefit level at 70 percent of poverty would affect about 0.2 million more families; current beneficiaries would average \$160 in additional monthly benefits.

PROMOTING FAMILY STABILITY

(Pages 292-295)

Mandating two-parent coverage based solely on need would encourage families to stay together by reducing the current incentive for one parent to leave home so that the family can become eligible for AFDC. One of the options analyzed by CBO would require all States to cover needy two-parent families but allow aid to be limited to 6 months per year.

An estimated 450,000 families would become AFDC recipients under this option; benefits would average about \$397 per month. In fiscal year 1986, the Federal cost of this option would be \$1.3 billion: about \$1.1 billion for AFDC payments, and \$0.4 billion for Medicaid benefits, with savings of \$0.3 billion in food stamps. The poverty gap would decrease by \$0.8 billion, roughly 3.3 percent.

EXPANDING THE EARNED INCOME TAX CREDIT
(EITC)

(Pages 307-313)

The EITC promotes three goals: (1) it helps poor children by providing greater resources to their families; (2) because married couples can qualify for the credit, there is no incentive for families to split; and (3) because aid is given only to families who work, the benefits are targeted to families trying to help themselves.

One of the proposals for increasing the EITC analyzed by CBO would raise it from 11 to 16 percent of the first \$5,000 in earnings, hold the credit constant at \$800 for earnings between \$5,000 and \$11,000, and phase the credit out between \$11,000 and \$16,000. Assuming it is effective in calendar year 1985, this option would extend the EITC to 3.7 million new families at a cost of \$3.4 billion in FY 1986.

HEALTH AND NUTRITION SERVICES FOR NEEDY FAMILIES

Extending Medicaid coverage to all children and pregnant women in families with income below 65 percent of the poverty level would provide medical care for an additional 700,000 children and 100,000 pregnant women. Annual Federal outlays for the Medicaid program would increase by about \$400 million under this option. (page 326)

If Congress increased funding for the supplemental food program for women, infants and children (WIC) by \$500 million, the program could serve approximately 1 million additional mothers and children. (page 333)

ADOLESCENT PREGNANCY PREVENTION AND SERVICES

The Urban Institute estimated that the Federal government spent \$8.55 billion in 1975 on AFDC households where the mother was a teenager when she had her first child. It has also been estimated (by SRI International) that each of the approximately 442,000 teenager first births in 1979 would cost the Federal, State and local governments together an average of \$18,700 in additional health and welfare costs over the next 20 years. (page 345 and 346)

Reducing the birthrate of teenagers under 20 years of age by one-half would lead to a 25 percent reduction in AFDC costs in 1990, while halving the birthrate of only those teenagers who are under the age of 18 would result in savings of 12 percent of AFDC costs, according to the Urban Institute. (page 346)

If Federal funding for Title X family planning services was expanded and earmarked for serving adolescents, an estimated 1.4 million additional teenagers could be served for an additional \$100 million. (page 351)

School-based service programs that provide access to child care and to other sup-

portive services can reduce dropout rates after pregnancy. A 1979-1980 national survey of the needs of and services for teenage parents found that child care was the most commonly reported unmet need. (page 356)

Adolescent parents on AFDC are particularly at risk of long-term poverty. Welfare offices could play a stronger role as "brokers" for services needed by teenage mothers. For example, all AFDC offices that serve at least a minimum number of adolescent mothers could be required to have at least one caseworker who specializes in the problems facing them. This caseworker would help adolescent parents obtain a range of necessary services—for example, subsidized care for infants and toddlers and dropout-prevention services. Given that these clients are already being served, this requirement would merely represent a shifting of resources and would require minimal additional funds for initial training. (pages 357 and 358)

WORK PROGRAMS FOR WELFARE RECIPIENTS
(Page 362)

The long-run well-being of children in poor families depends heavily on the ability of adults in those families to obtain jobs that pay adequate incomes.

A new national program that would provide closely supervised work experience for AFDC recipients could be effective in increasing the earnings of women who are long-term AFDC recipients. For example, participants in the national supported work demonstration engaged in nine months of closely supervised work experience in which the demands of the job and the standards of performance were steadily increased until they were similar to low-paid jobs. The result: over a year after leaving the program, the average earnings of participants were almost 50 percent higher than those of a similar group that had not participated.

REAUTHORIZING THE TARGETING JOBS TAX CREDIT

(Pages 363-364)

The targeted jobs tax credit (TJTC) encourages private employers to hire economically disadvantaged youth, recipients of specified cash transfer programs and members of other designated groups. Under current law, the credit will not be available for workers hired after December 31, 1985. If Congress reauthorized the TJTC and if one-third of the subsidized jobs were assumed to be net gains for the target group, the cost for each job created would be between \$2,000 and \$3,000.

Participation by employers in TJTC could probably be increased by broadening the eligibility criteria, raising the percentage of wages for which a credit could be claimed, making the credit refundable, or increasing outreach efforts by the Employment Service.●

THE FAMILY ECONOMIC SECURITY ACT OF 1985

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. FORD of Tennessee. Mr. Speaker, the President continues to assure us that there is a safety net protecting our most vulnerable citizens. The President is wrong. The safety net is a cruel joke for millions of America's children.

If there is a safety net, why do 13.8 million American children live in poverty?"

Nearly half of all black children are poor. Why aren't they "truly needy?"

Who is the safety net protecting if one out of seven poor children can expect to spend two-thirds of their childhood in poverty?

Where is the safety net for the children—black and white—who live with a single mother under the age of 30 who did not finish high school? More than 90 percent of these children are poor.

Why are 2.5 million children poor despite the fact that they live in families with at least one full-time, year-round job?

With the publication on May 22, 1985 of *Children in Poverty*, a report prepared by the Congressional Research Service and the Congressional Budget Office, we know the answers to some of these questions.

In August of last year, I joined Congressman CHARLES RANGEL of New York in asking the Congressional Research Service and the Congressional Budget Office to undertake a major study of children in poverty. We asked for this study because of the alarming rise in the number of poor children in this country.

The facts about children living in poverty are distressing. There were 13.8 million poor children in 1983, the incidence of poverty among children climbed more than 50 percent from 1973 to 1983. Children are the poorest age group. More than half the children in all female-headed families are poor. More than two-thirds of the children in black female-headed families are poor. More than 2.5 million children were poor in 1983, even though a parent worked full time all year round. Almost one-half of all black children and more than one-third of all hispanic children were poor in 1983.

We know that part of the reason for increasing child poverty is the decline in the real value of Federal cash transfer payments, like aid to families with dependent children on which so many single parent families with children rely. We know that children born into poverty are likely to stay there and that the futures of teenage mothers and their babies are especially bleak. We know that the recession, high inflation and unemployment have helped to push many previously self-supporting two-parent families into poverty.

It is time to propose solutions.

My solution is the Family Economic Security Act, H.R. 2585, which I introduced on May 22, 1985 with my distinguished colleagues from New York, Congressman RANGEL and Senator MOYNIHAN. Make no mistake, this bill will not eliminate child poverty. But it will help to reverse the alarmingly high rate of poverty among children.

The legislation builds on much of what we have learned from the study

titled "Children in Poverty." Nine of the 17 provisions included in the legislation are amendments to the AFDC program. They are carefully targeted to encourage work, to assure that all families with children have a subsistence income, and to take a first step toward addressing the problem of teenage pregnancy. Three tax provisions are included to reduce the tax burdens of families below the poverty level. The remaining five proposals make fine tuning adjustments to SSI and other programs which aid the elderly poor to ensure that the progress we have made to reduce poverty among the elderly continues.

In the months ahead, we may all agree that these and other steps must be taken. But, the budget deficit will loom large. Many of us will argue that without reductions the deficit will mortgage our children's futures. For those who will contend that we cannot afford to make these changes when budget deficits are so high, I have only one question: Can we afford not too?

As a Nation, we can run but we cannot hide from these facts. These are children. Through no fault of their own they are living in poverty. Economic growth, by itself, will help only a portion of them. We must complement economic growth with a national commitment to break the cycle of poverty. The cost of such a commitment will not be small. But, unless we invest now, we are going to see a permanent underclass develop in this country—a significant portion of our population born into poverty without any hope for a better life. That is something that we cannot afford.

Mr. Speaker, for the benefit of my colleagues, I am inserting in the RECORD on outline of the Family Economic Security Act of 1985.

OUTLINE OF THE FAMILY ECONOMIC SECURITY ACT OF 1985 (H.R. 2585)

1. *Encourage supported work and other programs to reduce welfare dependency.* Over the past few years, States and localities have tested a number of new approaches to finding work for welfare recipients. These programs require a short term financial investment with the potential for long term savings and welfare avoidance.

The proposal: continue to encourage innovative State work programs by granting States permanent authority to operate WIN through either the labor or human services agency and create a new block grant fund special employment activities for AFDC recipients. One such program could be targeted to the long-term adult AFDC recipient.

2. *Restore the purchasing power of AFDC benefits and encourage benefit increases.* Between 1972 and 1984, the purchasing power of combined AFDC and food stamp benefits declined by nearly 22 percent. In no State did real AFDC and food stamp benefits increase. Furthermore, in 22 States the current AFDC plus food stamp benefit is less today (in real terms) than AFDC alone was in 1960 before food stamps was created.

The proposal: (a) mandate a minimum AFDC benefit level such that combined AFDC and food stamp benefits equal a percentage of poverty, rising from 55 percent to 70 percent over five years; and (b) reduce the State match by 30 percent for any

AFDC benefit increases made by a State above the combined benefit level of 55 percent of poverty.

3. *Promote family stability.* It is currently a State option to aid needy two-percent families with an unemployed principal earner. Only twenty-six States now provide this assistance. In the States without a two-percent program, intact families cannot receive AFDC or must split up in order to qualify for assistance. Even in States with a UP program, aid is only paid if the principal earner is unemployed.

The proposal: (a) mandate two-percent coverage based only on need and identical to the single-parent AFDC program (i.e. eliminate the 100 hour rule and quarters of work requirement); (b) increase the Federal matching rate for two-parent benefits to 75 percent for all States; and (c) require one parent in the family to register for work and condition eligibility on active participation in job search, and training or a State work program (workfare, grant diversion/ work supplementation and/or a work program of State design).

4. *Encourage efforts to prevent teenage pregnancy and reduce long term welfare dependence by teenage mothers.* Studies show that half of all AFDC expenditures go to households in which the mother had her first child as a teenager. Although some States have developed special programs to assist teenage families, comprehensive prevention and service programs do not exist in each State. In addition, as a result of the Omnibus Budget Reconciliation Act of 1981, States may not extend AFDC to pregnant women with no other children until the sixth month of pregnancy. Medicaid coverage is available from the date the pregnancy is confirmed.

The proposal: (a) authorize a grant program to permit the State AFDC agency to operate a teenage pregnancy prevention program targeted to children in current AFDC families and a comprehensive service program for teenage AFDC mothers designed to help these parents complete a high school (or equivalent) education and obtain the job skills needed for self-sufficiency; (b) eliminate the requirement for counting the income and resources of the parent of a minor mother when determining AFDC eligibility and benefits; and (c) require States to provide AFDC to otherwise eligible first time pregnant women from the date the pregnancy is confirmed.

5. *Disregard the first \$100 of unearned income.* Under current law, Title II and unemployment benefits are included as family income. The first \$50 of child support income is disregarded.

The proposal: retain the standard filing unit provision enacted as part of the Deficit Reduction Act (except as amended above for minor mothers) but disregard the first \$100 of monthly unearned income including Title II benefits, child support payments and unemployment benefits received by a family.

6. *Require States to reevaluate the adequacy of their AFDC need standards.* In the AFDC program, the need standard is supposed to reflect the minimum amount a family of a given size needs for subsistence living. In most States, however, the need standard has not been regularly adjusted to reflect changes in inflation or the cost of essentials for daily living. Congress last required that States update their standard of need in July of 1969.

The proposal: retain the AFDC gross income limit but require States to reevaluate the need standard for changes that have occurred between 1969 and 1985 and which are not now reflected in the need standard.

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2623

7. *Mandate one year of Medicaid coverage for all families who leave AFDC without private health insurance.* The Deficit Reduction Act and other recent legislation have assured that certain families who lose AFDC eligibility retain Medicaid coverage for a limited period of time. Not all families are certain of health coverage when they leave assistance, however.

The proposal: provide one year of Medicaid eligibility for families who leave AFDC—for whatever reason—without adequate health insurance. Families which no longer include a dependent child or leave AFDC due to fraud or sanctions would not be eligible. States would be permitted to extend this coverage for one additional year to eligible families.

8. *Establish an AFDC resource policy that is identical to food stamps.* The AFDC program has an extremely strict asset policy: allowable resources may not exceed \$1,000 and the value of a car is limited to \$1,500 (equity value).

The proposal: use the food stamp resource policy as recommended by the President's Task Force on Food Assistance. Allowable assets in AFDC could not exceed \$2,250 for non-elderly and non-disabled households or \$3,500 for households with elderly or disabled members. The limit on the fair market value of an automobile would be set at \$5,500.

9. *Simplify the earned income disregards.* The AFDC program currently has a complicated set of policies for counting earned income: the first \$75 is disregarded for work expenses, child care costs up to \$160 per month per child are deducted, then a standard \$30 deduction for 12 months followed by a deduction of ½ of remaining earnings for 4 months. The net result of these policies is that by the fifth month of work, the family has no financial incentive to continue working.

The proposal: replace these disregards with a standard deduction of \$100 (to cover work-related expenses) plus 25 percent of remaining earnings. The disregard would not be time limited and there would be no change in the treatment of day care costs although this deduction would be capped at \$320 per family.

10. *Expand outreach efforts.* In the Social Security Amendments of 1983, the Secretary of Health and Human Services was required to notify, on a one-time basis, all elderly OASDI beneficiaries who are potentially eligible, of the availability of SSI and encourage them to contact their district offices.

The proposal: Require the Secretary of Health and Human Services to notify all SSI and AFDC participants on a one-time basis and all new SSI and AFDC participants of their potential eligibility for food stamps. In addition, all unemployment compensation beneficiaries would be notified of their potential eligibility for food stamps and AFDC and all food stamp recipients would be notified of potential eligibility for AFDC.

11. *Increase SSI benefits.* Under current law, the regular Federal SSI benefit standard for 1985 is \$325 per month for an individual and \$488 for a couple.

The proposal: Increase the basic SSI benefit for an individual by \$20 per month and for a couple by \$30 per month.

12. *Eliminate the actuarial reduction for elderly survivors.* Social security recipients who elect to retire before age 65 receive 80 percent of the benefits that would have been received at age 65.

The proposal: eliminate the actuarial reduction of the survivor portion of the social security benefit for survivors upon attaining 80. In many instances, this reduction was

taken many years earlier and was the result of decisions made by someone other than the elderly survivor.

13. *Encourage States to maintain their State SSI supplements.* Under current law, the purchasing power of State SSI supplements has declined significantly. For example, in New York, the State SSI supplement adjusted for inflation has declined by 46 percent. One of the primary reasons is the interaction between food stamps and State SSI supplements. As is the case in AFDC, when States increase SSI supplements, food stamp benefits decline by \$.30 for each dollar increase.

The proposal: Provide a Federal matching of 30 percent for all State SSI supplement increases after May 22, 1985. This would simply mean that if a State spent \$10 on a benefit increase it would be assured that \$10 would be received by an SSI recipient.

14. *Mandate Medicaid coverage for aged, blind and disabled SSI recipients.* States currently have the option to extend Medicaid to SSI eligible persons or to apply their own more stringent eligibility standards.

The proposal: require all States to provide Medicaid benefits to persons receiving cash assistance under the SSI program.

15. *Increase and index the earned income tax credit (EITC).* Under current law, families with children receive a refundable income tax credit equal to 11 percent of the first \$5,000 of earned income for a maximum credit of \$550.

The proposal: gradually increase the maximum credit over three years. During this period, the credit would rise from \$550 to \$800 with a phase-out occurring between \$11,000 and \$16,000. In the third year, the maximum credit and the phase-out thresholds would be indexed.

16. *Reauthorize and increase the targeted jobs tax credit (TJTC).* Under current law, employers who hire individuals from certain target groups receive a credit against their taxes of 50 percent of wages paid up to \$6,000 per year in the first year and 25 percent of wages up to \$6,000 in the second year.

The proposal: reauthorize the credit for five years and increase the TJTC to 50 percent of wages paid up to \$10,000 in the first year and 25 percent of wages paid up to \$10,000 in the second year.

17. *Increase the zero bracket amount.* Under current law, the standard deduction or zero bracket amount is \$2,390 for heads of households and \$3,540 for married couples filing jointly. As a result, female-headed families with children pay more Federal taxes than similarly sized families with the same earnings.

The proposal: increase the zero bracket amount for heads of households to that of married couples filing jointly. ●

WORDS OF WISDOM FROM A FORMER PRESIDENT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BROOMFIELD. Mr. Speaker, The conflict between East and West is being fought in the Third World at this very moment. Whether we realize it or not, the future of democracy in the world is being determined by what happens in countries like El Salvador, and in other small struggling nations around the globe. While we are quite capable of fighting conventional, or

nuclear conflicts, our country is still learning how to deal with the threat of creeping communism in the guise of revolutionary movements.

Former President Richard M. Nixon has written a fascinating article on the subject of future challenges to the West. I believe it is obvious that all of us have a lot to learn about the low-level insurgencies which will typify the wars of the future. We had better wake up to this threat before it is too late to do much about it.

With these thoughts in mind, I commend the following articles to my colleagues in the Congress.

[From the Washington Times, June 3, 1985]

OLD DEFENSES WON'T WORK

The Korean War demonstrated that a conventional attack across a border of a non-Communist country would bring immediate and united reaction from the United States and our U.N. allies. This is the least-likely kind of attack we will face in the future.

Since Korea, the Soviets have gone under and around borders in a variety of ways. North Vietnam, with Chinese and Soviet logistical support, waged guerrilla war against South Vietnam until 1972, when the North Vietnamese launched a massive conventional attack across the demilitarized zone.

In Cuba and Nicaragua the Soviet Union encouraged and eventually captured broad-based revolutionary movements in the guise of supporting so-called wars of liberation.

In Angola and Ethiopia the Soviet Union backed up Communist leaders with Cuban proxy troops who helped them gain or retain power.

In El Salvador we are witnessing a technique similar to that used in Vietnam—a guerrilla insurgency without broad-based popular support that would have no chance to survive, much less prevail, without the logistical support it receives from Nicaragua, the Soviet Union, and Cuba.

Sometimes the Soviets spark a revolution. Other times they capture one already in place. Either way they win and the West loses another battle in the war for the Third World.

Never in history has there been a conflict as broad-based and as pervasive as the Third World War. It challenges us to rethink all of our time-tested assumptions about the nature of war and aggression. If we insist upon preparing for today's war by mounting yesterday's defenses, we are doomed to defeat.

Today the important battles are not along borders but in remote villages and in small countries whose names few Americans have heard. In pinpointing aggression it is no longer enough to look for the smoking gun; now we must look for the hidden hand. We must become more aware of the role the Soviets and their surrogates play in instigating and supporting insurgencies against non-Communist governments.

We must begin by disabusing ourselves of some popular misconceptions about how to deal with conflicts in the Third World.

At one extreme there are those who insist that if we are strong enough militarily we will be able to meet and defeat any challenge we face. It is true that our overwhelming nuclear superiority was one of the factors which enabled us to stop Communist aggression in Korea. But with that superiority gone, the fact that we have far more accurate and powerful nuclear weapons today than those we had during the Korean War is irrelevant in Third World conflicts.

E 2624

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

Great nations do not risk nuclear suicide to defend their interests in peripheral areas. And superior conventional forces will not prevail against an enemy who wages unconventional war. Helping a government stop a violent revolution militarily without helping it deal with the economic conditions that helped spawn the revolution would only buy a short-lived victory. After one revolution was put down, another would take its place.

At another extreme are those who say that poverty is the problem and that instead of providing military aid to ensure security, we should provide economic aid to promote progress. They are only half right, and therefore all wrong.

I recall the year 1974, when President Truman asked for military and economic aid to Greece and Turkey to meet the threat of Soviet-supported Communist guerrillas in Greece. Along with those of other congressmen, my office was flooded with hundreds of postcards reading, "Send food, not arms."

We resisted the pressure and voted for the Truman program. If we had sent food only and not arms, Greece would be Communist today. The lesson of the Greek experience is that in the short run, there can be no progress without security. But we must also recognize that in the long run there can be no security without progress.●

JERSEY CITY YWCA CELEBRATES ITS 80TH YEAR

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GUARINI. Mr. Speaker, on Thursday, June 13th the YWCA of Jersey City, Inc. will celebrate its 80th anniversary. The YWCA story is known to the entire world since its inception in 1855 in London, England.

History tells us that the very first YWCA began in America in 1858 at the Ladies' Christian Association in New York.

The Jersey City story, which has been provided with the vision and dedication of women and with the assistance of many organizations, is exemplary.

It was in 1905 when women from the community, the Old Bergen Church and the Jersey City Women's Club formed the YWCA of Jersey City aimed at providing a wholesome living environment and religious service operation for young working women.

The group was fortunate to have among its sponsors Colgate & Co., which was founded in 1804 and rose from one individual making soap and selling it by pushcart to the productive and sprawling plant encompassing acres of land on the Jersey City waterfront as part of its international operation.

The first YWCA was at 10 Wayne Street, and Mercer Street, Jersey City, in downtown Jersey City on the fringe of historic Paulus Hook and in the shadow of the Jersey City city hall.

The facility provided residence for women employed by Colgate's and later the Mueller Co. and other Jersey City industries which led to the growth of the YWCA movement.

In 1918 the YMCA established "a service bureau for foreign born women and girls," with the cooperation of the international institute, aiding factory and commercial employees and their families.

The "Y" provided many services during World War I.

In 1920 the Jersey City YWCA women clearly became established as community leaders helping organize the city health council and interracial council.

The "Y" located in Jersey City worked with similar groups in Bayonne, including the New Jersey State Federation of Colored Women's Clubs, Girl Scouts, and the Jersey City Junior Service League.

It was the Junior Service League which worked with other community organizations which helped raise in 1925 and 1928, \$1,200,000 for the new building at 270 Fairmount Avenue, which was dedicated on January 22, 1928.

It was during World War II that the "Y" did outstanding work serving as a USO Center, plus being a home for the influx of women employed in the defense plants and a recreation center for swing shift workers.

On the 20th anniversary of the dedication of the "Y's" new building the mortgage was burned.

In 1950 the "Y" of Jersey City fully integrated all its programs, and amalgamated the functions of the "House of Friendliness" on Belmont Ave. which was then closed. The programs at that time included the dramatic workshop, movies, speakers, game parties, discussions, bowling, dancing, roller skating, and the choral club. Thirty-six Saturday night dances were attended by 11,036 people. The "Accent on You" series included topics on makeup, hair, foods, posture, clothes, self-understanding, dating, and marriage. "Housewives Holiday" participants enjoyed textile painting, jewelry making, flower arranging, and swimming.

Working with the League of Women Voters political responsibility for women through informed and active participation of citizens in government was a highlight. Mrs. Lawrence Camisa served as the first president of the League of Women Voters.

Historians of the YWCA Barbara Chryst, Dr. Patricia Sullivan, Jane Weeks, and Jacquelyn Glock pointed out that in 1960 programs such as those noted above continued much the same through the fifties and sixties. Yet, it can be seen that the relevance of this kind of YWCA began to fade in the 1960's, which was a period of rapid and often violent change in our community. In fact, most urban YWCA's throughout the United States failed to meet the challenges of that time, and did not survive the transitional period well.

As part of the Federal Government's War on Poverty, a job training center was established in Jersey City. The

Jobs Corps was located in a medical center building, but was directed by the staff and board of the YWCA. Its purpose then was to provide vocational education for young women.

In 1966 the YWCA provided physical education classes for the women students of St. Peter's College when it became coeducational that year.

In 1973 their group worked to help establish the Women's Center at Jersey City State College which shared the many concerns of the YWCA working actively on conferences, proposals, and community projects.

In the early 1970's, specifically in 1974, the YWCA of Jersey City began taking giant steps toward its own survival and revitalization. The YWCA sought a broader base of representation on its board of trustees. Particular emphasis was placed on recruiting neighborhood residents and minority women, especially those who were active in other community service, and who could therefore further insure the YWCA's responsiveness to community needs.

In 1977 the "Y", working with the Hudson County Chapter of the National Organization for Women [NOW] formed a battered women's coalition which resulted in the development of the Hudson County Battered Women's Program of the YWCA of Jersey City.

During that year Concerned Community Women of Jersey City was founded resulting in that group's first donating funds to the YWCA in 1978.

I am pleased to report that many members of concerned community women [CCW] became active members of the "Y" serving on its board of trustees.

Our historians tell us that in 1978 the YWCA of Jersey City unveiled its dramatic and ambitious plan for the redevelopment of the YWCA to the community. Total project cost was estimated at \$5 million.

Following years of negotiations with the New Jersey Housing Finance Agency, the Department of Housing and Urban Development and city hall, the YWCA was able to kickoff its unorthodox but successful capital campaign, headed by Fred F. Peterson of Colgate-Palmolive Co.

The rehabilitation of our community service facility led by the devoted Fred Peterson was financed through proceeds from the redevelopment itself and from a successful capital campaign.

It was my pleasure to introduce a modification to the Federal Tax Reform Act, which called for favorable treatment for development projects in which a principal user was a nonprofit organization. After steering it through Congress I was honored when the Jersey City YWCA was the first facility of its type to be awarded this special consideration.

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2625

The housing component was financed—90 percent—through the New Jersey Housing Finance Agency. Each of the units are rent-assisted. Thus, low and moderate income elderly and handicapped need pay only 30 percent of their income for rent. The Federal Government guarantees subsidization of the remainder up to the established fair market rental rate.

The YWCA of Jersey City rehabilitated its entire existing facility. The project had two major components: First, the rehabilitation of the 11-story tower building of the existing facility for 79 apartments for the elderly and the handicapped; and second, the rehabilitation of the 5-story building at 270 Fairmount Avenue as the new YMCA community service building.

It was in April 1983 that the new YWCA facility was rehabilitated into 79 apartments for the elderly and handicapped and the new YWCA community service facility, with appropriate ceremony.

The YWCA project brought together a unique combination of private and public funds for a prototype that demonstrated the unlimited potential of the nonprofit sector. The project also demonstrated the feasibility of preserving and reusing older buildings for community service. The YWCA redevelopment project provided efficient service and recreational facilities for women and their families; housing for the handicapped and the elderly; employment opportunities for community residents; and expanded social and community service programming.

For his outstanding work as YWCA's Capital Campaign chairman from 1981-83 and the resulting \$8 million project, Fred F. Peterson was selected as the recipient of the third "Special Friend of the YWCA" Award. The board of trustees' selection was based on Mr. Peterson's significant contributions to the YWCA of Jersey City, to wit: his dynamic leadership of the YWCA's successful campaign.

The YWCA of Jersey City celebrates its 80th anniversary by reaching out of old friends from throughout the country and new friends to join them at their anniversary dinner on Thursday, June 13 at the Meadowlands Sports Club in the spirit of partnership and challenge.

Generations of women: In search of female forebears, will set the tone and enhance the anniversary celebration. This internationally acclaimed photography exhibit is available to the YWCA through the Women's Study Department of Jersey City State College.

Gwendolyn Baker, newly appointed executive director of the YWCA of the United States of America will be guest speaker.

Prof. Joan M. Weimer, chair of the English Department of Drew University, will be the keynote speaker. Professor Weimer is the producer and moderator of a 13-part television series, "Women in the Center and Why They

Belong There." Her recent publications and lectures focus on third world women in Egypt, Brazil, and Central America. Professor Weimer's work emphasizes the powerful link between human rights and women's rights.

YWCA OF JERSEY CITY 80TH ANNIVERSARY

Organizations are only as vital as their members. The Jersey City YWCA has been blessed with the talents and efforts of hundreds of women. Listed below is only a sampling of the many women who served both the organizations which have been a part of our city's life and the YWCA past and present.

Old Bergen Church: Geraldine Bromby, Marie Crossing, Katharine Dear (First Presbyterian), Adelaide Dear, Katharine Dear, Marie Highinian, Rose Highinian, Ethel Jones, Joan Pannenberg, Grace Russell, Gertrude Sutphen, Jane Weeks.

Jersey City Women's Club: Carrie Beckman Berkowitz, Jacqueline Connors, Marie Crossing, Adelaide Dear, Katharine Dear, Dorothy Engelbrecht Kamm, Mildred Knox, Grace Russell, Gertrude Sutphen, Elsa Tully.

Afro-American Industrial Club: Rose Gordan.

The Girl Scouts: Adelaide Dear, Katharine Dear, Florence Greenwalt, Lillian Pearce.

The International Institute: Ethel Jones, the Rev. Betty Jane Young.

The Junior Service League: Judie Brophy, Jacqueline Connors, Jean Dinsmore, Elizabeth Finnerty, Lynn Kegelman, Gloria Lobban, Margaret Maddocks, Michele Neubelt, Lois Reiser, Aida Scirroco, Mary Jane Wilson.

The League of Women Voters: Juliet Caruso, Diana Femla, Martha Z. Lewin, Mary MacEachern.

Concerned Community Works of Jersey City:

Sarah Green, Catherine Greene, Lousie McLeon, Ealine Moore, Sandra Stallworth, Shirley Watson.

Saint Peter's College:

Barbara A. Chryst, Dr. Patricia S. Sullivan.

The YWCA has been home to many many persons. Elijah Kellogg said:

Home is the place where character is built, where sacrifices to contribute to the happiness of others are made and where love has taken up its abode.

The many good, meaningful and lasting relationships prove that "We are all travelers in the wilderness of this world, and the best that we find in our travels is an honest friend" said Robert Louis Stevenson.

I am certain that my colleagues in the House of Representatives will join me in this well deserved salute to our noble institution.●

ANTI-APARTHEID ACT OF 1985

SPEECH OF

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes.

● Mr. LELAND. Mr. Chairman, when 22 million people are denied the right to vote, are arrested for their attempts to be treated with some human dignity, or when some are shot in the back and killed on their way to funerals, our great Nation can no longer afford to remain silent.

Yet, the present administration has chosen to remain silent regarding the horrendous treatment of the majority of South Africans by the South African Government.

Time and time again, the public is assured by the administration that the U.S. policy of "quiet diplomacy" is working, that reforms are being achieved. Cosmetic changes have occurred, but nothing has occurred that eases in anyway the pain and suffering 22 million people live with on a daily basis.

The Reagan administration has chosen to be deaf and blind toward the plight of the majority of South Africans. We, the Members of Congress, as true representatives of the American public, cannot afford to share the handicaps of the administration. We cannot . . . we must not be deaf and blind to the suffering of humanity.

There are no words which can adequately express the moral outrage I feel over the fact that in the late 20th century, millions are still subject to discrimination based on the color of their skin, and worse yet that millions condone this discrimination with their silence.

But rhetoric alone will not save South Africa. Action must accompany our words of condemnation against the most brutally racist regime in the world.

That is why I stand before you today, pleading for the United States to demonstrate its unity in dismantling apartheid, the ultimate quelling of democracy.

Constructive engagement has not worked, does not work, nor will it ever work. Computer sales to the South African Government, as well as sales of aircraft and nonlethal goods to South Africa's military and police have increased during this period of quiet diplomacy. What do these actions tell the world about the morality of the United States? How can we claim apartheid is repugnant and still do business with those who perpetrate this repugnant system?

I strongly feel that as a moral people, the United States should not permit new loans or credits to the Government of South Africa. Nor should we allow new investments, sales of computers, software, and technology, or the importation of South African Krugerrands.

If enacted, the sanctions proposed in H.R. 1460 will do much to bring about the destruction of apartheid in South Africa. But I strongly feel our Nation has the moral obligation to do all in our power to dismantle this evil system.

E 2626

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

I, therefore, strongly support the amendment offered by the gentleman from California [Mr. DELLUMS]. This amendment calls for complete disinvestment, as well as a ban on all existing loans and holdings in South Africa. The amendment further prohibits the export of any goods or technology as well as a prohibition on the takeoff and landing of South African aircraft in the United States.

I particularly believe there is a great need for a provision banning South African landing rights. Even with the support of many of my colleagues and the good people of Houston, it took nearly 3 years to put a halt to South African Airways from flying in and out of my home district in Houston. With this proposed ban, others would not face the same uphill battle we faced in Houston.

The sanctions proposed in the legislation being debated here today are not sanctions that were decided in a haphazard manner. They are sanctions which concretely reflect our moral objection to apartheid and its perpetrators.

Unless we act now and enact these sanctions against the Government of South Africa, quiet diplomacy will continue and so will the moral and physical extermination of a people.●

**YESTERDAY'S HEADLINES
BROUGHT NEWS OF INCREASING
MIDAIR NEAR-COLLISIONS—WILL
TOMORROW'S
HEADLINES BEAR THE NEWS
OF INCREASED FATALITIES?**

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. STARK. Mr. Speaker, yesterday's headlines may have proved quite surprising for some, reporting that the number of near-collisions rose to a record 592 last year. As well as surprising, I'm sure it put a damper on their summer vacation plans. Not to mention the nerve endings it hit as worried parents realized their children are flying home from school this week.

As I have repeatedly stated, it is imperative that a thorough investigation be conducted to discover the possible causes of the all too frequent midair collisions, near misses, and crashes.

In January I introduced House Joint Resolution 66 which calls upon the Department of Transportation to conduct such an investigation. Questions need to be asked: Is there a need for additional radar and warning equipment in aircraft of various sizes? Do large airports follow existing regulations and requirements associated with small planes? How efficient and practical are the visual flight rules [VFR] as the number of flights and airplanes increase and our Nation's airports become more crowded? To be sure, these are not the only questions that

need to be asked and answered, but they represent a good starting place.

I strongly encourage this House to carefully weigh the situation, and lend their support to my resolution and to a thorough investigation of air travel. Let's not wait for tomorrow's headlines to bring us a tragic surprise.●

**DRUG ABUSE PATTERNS AND
TRENDS**

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. RANGEL. Mr. Speaker, as chairman of the House Select Committee on Narcotics Abuse and Control, I am concerned about the widespread abuse of illicit drugs that society is presently encountering. The committee has found through its hearings that drug abuse has been escalating and is a major problem in many areas throughout the United States.

The major drugs trafficked and abused in the United States continue to be cocaine, heroin, and marijuana. Over the past 3 to 5 years, cocaine abuse has risen dramatically. The committee estimates a minimum of 85 tons of cocaine entered the United States last year. An estimated 5,000 people experiment with cocaine for the first time every day. Many of these new users will become dependent on the drug to the point of addiction. Regrettably, Mr. Speaker, the select committee also has found a sharp increase in the traffic and abuse of heroin since 1979. Nationally, heroin-related hospital emergencies increased 71 percent from 1979 to 1983, while heroin overdose deaths increased 93 percent in that same time-frame. Increases in these indicators have been much greater in a number of our Nation's large cities. Marijuana trafficking and abuse is also prevalent at high levels. For example, on the basis of illicit marijuana production and trafficking data available in late 1984, it is estimated that 30,000 to 60,000 tons of marijuana is being smuggled into the United States annually. This is augmented by about 4,000 tons of domestic marijuana production. Further, the THC content of both foreign and domestic grown marijuana is at record levels.

In light of the evidence of increased drug abuse that has come to the select committee's attention, I was particularly interested in reviewing the most recent findings of the Community Epidemiology Work Group. Sponsored by the National Institute on Drug Abuse [NIDA] in the Department of Health and Human Services, the Community Epidemiology Work Group has conducted research over the past 10 years on patterns and trends in drug abuse. The work group is comprised of 20 drug epidemiology researchers from around the country. The work group

meets twice a year to review data on drug abuse trends in major metropolitan areas throughout the United States. Following each meeting, their findings are released by NIDA in a publication entitled "Drug Abuse Indicator Patterns and Trends." Their most recent meeting in December 1984 produced findings that indicate growing substance abuse problems in many parts of the country.

The most recent Community Epidemiology Work Group statistics were compiled from a sample of 17 major metropolitan areas throughout the country. The cities studied were Philadelphia, Denver, Detroit, Dallas, Newark, New York, Los Angeles, Boston, Phoenix, San Diego, San Francisco, St. Louis, Washington, DC, Miami, New Orleans, Buffalo, and Chicago. The findings reveal that cocaine abuse continues to grow and is the primary drug of abuse in most of the cities studied. In Los Angeles, reports of cocaine-related mortalities increased 331.3 percent from 1982 to 1984, while in New York, more cocaine-involved emergency room episodes occurred in 1984 than in any of the previous 3 years. Besides the alarming increase in cocaine abuse, Mr. Speaker, the availability, as well as the purity of the drug, have increased in many of the 17 cities surveyed.

Although some of the cities reported stable or slight declines in heroin abuse, the majority witnessed an increase in emergency room episodes and overdose deaths related to heroin. Also alarming are reports from New York indicating that AIDS continued to take a toll on the lives of intravenous drug users and that needles being sold on the street that are purported to be sterile are not sterile. Like cocaine, the availability and the purity of heroin are both continuing to rise.

The Epidemiology Work Group findings indicate that marijuana is widely available in essentially every urban area studied. The Detroit Police Department reported marijuana as the second most commonly abused drug by persons arrested during 1984. Emergency room indicators showed that problems with marijuana continued to rise in Los Angeles, St. Louis, and New York. Also worth mentioning is the greater presence of domestically grown marijuana. In 1980, only two States reported significant marijuana cultivation, while in 1984, 48 States did.

The Epidemiology Work Group's findings tend to confirm the select committee's belief that drug abuse is a prevalent and escalating problem in many of our Nation's urban areas and requires attention at all levels of government. For the information of the Members, I ask that the "Precis" from the December 1984 edition of "Drug Abuse Indicator Patterns and Trends" be inserted in the CONGRESSIONAL RECORD at this time, and I encourage

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2627

Members to obtain and review the full report:

PRECIS

The seventeenth meeting of the Community Epidemiology Work Group was held in Los Angeles, California, on December 4-7, 1984. The focus of this meeting was on patterns and trends in drug abuse in 17 major metropolitan areas of the country. Highlights of these discussions include:

The problem of cocaine abuse continued to grow, with reports indicating that forms and routes of administration are changing (i.e., New York noted the growing use of cocaine powder as well as the popularity of mixing cocaine with another stimulant to maintain the high; Miami reported the smoking of partially processed coca paste.)

Several cities, including Denver, St. Louis, San Francisco, Phoenix, Miami, and Dallas, reported increases in heroin availability and/or use based on a variety of indicators such as emergency room and medical examiner data, treatment admission data, and street level price and purity data; at the same time, trend indicators continued to remain at elevated levels in New York, Los Angeles, and Washington, D.C.

Increasingly, reports indicate a heroin population that is older and contains a growing proportion of female addicts.

"Speedballing" (using heroin in combination with a stimulant, usually cocaine) remains a popular practice among intravenous narcotic addicts.

The adulteration of poor quality heroin with other substances makes it difficult to segregate the true effects of the heroin as opposed to those of the "cut."

To date, the rescheduling of glutethimide in Newark appears to have had no effect on its pattern of abuse, as the combination of glutethimide (Doriden) and codeine (known as Hits, Loads, Fours, and Dors, etc.) remained a noted drug of abuse in New York, Boston, Philadelphia, and Chicago.

With the growth of marijuana as a cash crop and, with domestically grown marijuana accounting for a large share of the market, drug enforcement eradication activities have increased.

Indicators of PCP activity have increased in New York and Washington, D.C. and have been noted with greater frequency in Newark.

In Philadelphia, methamphetamine is cheaper than in any other area of the country, while in San Francisco stimulant abuse was reported as a growing problem.

No consistent substitute has been identified for methaqualone; presently diazepam (Valium) is the most common sedative-hypnotic found in "ludes".

REPRODUCTIVE HEALTH EQUITY ACT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WEISS. Mr. Speaker, abortion is legal. A broad majority of Americans support this constitutional right. Many Members of Congress, however, have consistently ignored the views of the majority of all Americans who want abortion services kept safe and available.

In the 12 years since the Supreme Court's decision in Roe versus Wade which guaranteed the right of women to choose abortion, this choice has

been all but eliminated for nearly 10 million women. Through antiabortion riders attached to a variety of Federal health care programs and benefits packages, congressional opponents of abortion rights have successfully limited access to legal abortion services by either denying funds for medical assistance or restricting earned benefits.

These measures have not ended abortion. What they have done is withheld from a certain segment of our population the constitutional right to equal protection of the law, and established a dual system of access to needed medical care.

The targets of this antichoice strategy are those Americans who receive health care services or health insurance benefits through Federal Government. Among those now denied choice over personal medical decisions are Medicaid recipients, native Americans, Peace Corps volunteers, military employees and their dependents, Federal employees, and residents of the District of Columbia.

It is not surprising that most of the women affected by the antichoice restrictions lack the necessary resources to effectively fight these restrictions. Medicaid recipients, by definition, are unable to afford medical care and have nowhere else to turn. Likewise, native Americans, the most impoverished minority group in the country, are denied even privately funded abortion services in Indian Health Service clinics or hospitals unless the life of the mother is endangered.

Peace Corps volunteers receive medical care as a benefit to supplement their small cost-of-living stipend. These volunteers, most of whom serve in outlying areas far from quality health care, are subject to a total ban on abortion services. Lower level military employees and their dependents, many stationed overseas, run health risks because they are denied care in base hospitals.

Abortion services are denied in the earned and often-bargained-for benefit packages of women employed by the Federal Government. The great majority of these women are in low-paying clerical positions. And the ban on abortion services to District of Columbia residents is particularly inappropriate, because it is in conflict with the District's home rule prerogatives.

No one should be surprised by the impact of these restrictions. Because of their poverty, native American women and Medicaid recipients run especially high risks of both unintended and problem pregnancies. Many women are forced to delay the procedure until they have raised the necessary funds. Delays result in much greater health risks and costs. Often, basic necessities such as food and clothing and the payment of household expenses like heating bills and rent are sacrificed.

Many poor women, however, are still not able to obtain legal abortions. Studies have shown that each year at

least one in five women eligible for Medicaid are forced to carry their unwanted pregnancies to term. Another 5 percent, it is estimated, resort to illegal or self-induced abortions.

Abortion is legal in this country. And yet poor women, 12 years after the fact, are faced with the same complications, the same life-threatening situations that existed in the pre-Roe versus Wade United States.

These restrictions on health services are not as much about abortion as they are about poverty and wealth and the quality of medical care available to different groups of our people. Legal and safe abortion services are the right of every American woman, not a privilege to be determined by economic status.

Abortion is legal, but the fight for reproductive freedom continues. Today, I proudly join Congressmen Vic FAZZO, BILL GREEN and 73 of our colleagues in reintroducing the Reproductive Health Equity Act. It is the intent of this bill to eliminate the current discriminatory restrictions against women dependent upon the Federal Government for their health care and to abolish the two-tiered health system that currently exists in this country.

The current antichoice provisions stand in moral judgment of, and refuse any safe alternative to, poor women confronted with unwanted pregnancies. Millions of American women, many of them proudly serving our country, are forced to bear the burden of a particular moral judgment that is not supported by the society as a whole. We, in Congress, hold the responsibility to support the will and protect the rights of the people. We must continue the fight to guarantee safe and accessible abortion services to all women.

INTRODUCTION OF THE HOME RESPIRATORY CARE ACT OF 1985

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WYDEN. Mr. Speaker, I am introducing today legislation, the Respiratory Home Care Act of 1985, which will bring both common sense and compassion into the provision of ventilator services by Medicaid and Medicare. I am joined in this effort by my distinguished colleagues Mr. FLORIO, Mr. BRYANT, and Mr. FORD of Tennessee.

My bill will allow people who are dependent on ventilators—and would otherwise be getting ventilator care in a hospital paid for by Medicare or Medicaid—to remain in their own homes or in nursing homes and still receive reimbursement for their ventilator care.

E 2628

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

Under our current system, thousands of people who need ventilator care, ranging from infants to the elderly, are being forced to remain in hospitals which are the most costly and often least desirable places to get this care. Studies have shown that ventilator care in the home is much less expensive than the same care given in a hospital. Nonetheless, many of the people now receiving ventilator care in hospitals—at the expense of Medicare and Medicaid—could just as safely receive the same care in the comfort of their home for less money.

But there's a catch. The Medicare and Medicaid Programs won't pay for ventilator care in a patient's home. This bias toward hospitals is more than just outdated, it's inefficient, inflexible, and expensive.

The situation was highlighted several years ago when a 3-year old Ohio girl, Katie Beckett, faced the prospect of spending her life in a hospital because that was the only way Medicaid would pay for the round-the-clock ventilator care she needed.

In the hospital, Katie's care cost \$6,000 a month. At home, she was able to receive the care she needed for only \$1,000 a month. Medicaid saved \$5,000 a month and Katie Beckett got to go home.

It took a special act by President Reagan to let Katie Beckett receive the care she needed at home. This was the first of many special "permission slips" that were given to individuals to allow them to receive needed ventilator care in their homes.

Mr. Speaker, these "permission slips" have been valuable, but no one should have to go to the President of the United States to receive permission to do the right thing—get the care they need in the least costly, highest quality way. The Congressional Budget Office is currently working on a cost estimate, and we expect this bill to be at least budget neutral for the Medicare Program and to show substantial savings for Medicaid. If the cost estimate shows that we need further refinements, you have my commitment to make them.

Very simply, Mr. Speaker, this bill should achieve two very important goals—it should save the Federal Government money and should bring people home. The Medicare and Medicaid Programs, the taxpayers, families like Katie's, and people who need ventilator care would all be winners.

I urge my colleagues to support this bill, especially as we work through the Medicare and Medicaid budgets this year and look for ways to provide cost-efficient, high quality care in the most suitable setting.●

VETERANS' HEALTH CARE SHOULD BE A NATIONAL PRIORITY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. RAHALL. Mr. Speaker, as we continue to address the budget for fiscal year 1986, we realize that many Federal programs will be affected by the decisions that will have to be made. We all have different priorities, however, I believe that our commitment to this Nation's veterans must be universal in the House and the Senate.

In this vein, a very high priority of mine is veterans' health care. I want my colleagues to fully understand the impact of any budget reductions in funds to operate the VA's health care system. It occurs to me that no one is more qualified to relate the problems in the field than the people in the field; according to the chiefs of staff of VA hospitals nationwide who responded to a recent survey, inadequate budgets are already taking their toll.

More cuts in the budget will mean longer waiting lists, the turning away of certain non-service-connected veterans, and delays in many surgical procedures.

For the further information of my colleagues, there follows a report from the chief of staff at the VA Medical Center in Beckley, WV:

VA MEDICAL CENTER,

Beckley, WV, January 31, 1985.

HOWARD H. GREEN, M.D.,
Chief of Staff, President, NAVACOS, Veterans Administration Medical Center,
White Junction, VT.

Subject: Questionnaire.

1. In response to your letter of January 2, 1985 concerning problems with deficits in pharmacy accounts, etc., the following is submitted:

(a) Size of hospital (include NHCU beds): 174 GM&S, 42-Bed NHCU.

(b) Affiliated? No.

(c) Projected dollar deficit as of January 1, 1985:

1. Personal Service—The combination of unfunded and underfunded personal service costs during the past two years has resulted in a Personal Service deficit of over \$85,000.
2. All Other—We project a deficit of \$82,000.

(d) Impact of dollar deficit:

1. Personnel—Due to the pending deficits, we are working with major personnel deficiencies. We have only two Nurse Anesthetists on staff; during periods of leave (annual, sick, educational), one person must provide 24-hour coverage for several days.

We have an employment level to provide only two Nursing personnel per ward during evening and weekend tours. We need at least one additional employee per ward during these tours to provide adequate coverage.

Some other areas of concern include physician and nursing personnel support in the Ambulatory Care Section, and additional support for pharmacy and MAS.

2. Supplies—Our Fiscal Year 1985 Target Allowance for All Other funds is 30 percent less than received in Fiscal Year 1984. As a result, minimal stock levels are maintained in all areas of operations. This has caused

special problems in Pharmacy Service and the Operating Room. Nonemergency requests for supplies and services are being deferred until additional funds can be secured.

3. Equipment—We received less than \$45,000 in Additional Equipment funding for Fiscal Year 1985. We currently have requests for additional equipment which significantly exceeds our limited funds.

4. Backlog of patient surgery (specific numbers, types, and length of delay—NA.

(e) Solutions you have devised (please be specific)

1. Placed an employment lag of one month before filling vacancies.

2. Reduced M&R service contracts by 30 percent. Service is being performed by staff bio-medical technicians.

3. Expanded tours of duty in Laboratory and Radiology Services, which reduced the hours of standby duty and the corresponding standby duty pay.

4. Implemented controls on the use of expensive drugs, such as antibiotics and anti-arthritis medications.

(f) Any other comments germane to the issue of resources. None.

ANTHONY DINH, M.D.,

Acting Chief of Staff.●

HONORING GOOD SCOUT AWARD RECIPIENT AL NATIVIDAD

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. TORRES. Mr. Speaker, I ask my colleagues to join me in honoring the mayor of Pico Rivera, Al Natividad, who has been selected as the 1985 recipient of the Rio Hondo district Boy Scouts of America prestigious Good Scout Award.

Al was born and raised in El Paso, TX, and is a veteran of World War II. After the war he moved to California and studied at East Los Angeles College, California State University at Long Beach, and the University of Southern California.

Mayor Natividad has served over 30 years in law enforcement, rising to the rank of inspector with the Los Angeles County Sheriff's Department. He retired in 1982 after having served as police chief for Pico Rivera and commanding an area containing the Norwalk, Lakewood, and Pico Rivera sheriff's stations.

In 1982, Al was elected to the city council of Pico Rivera and in April 1985 was appointed mayor. He is admired by his friends and the citizens of Pico Rivera for his dedication and service to the community. I have had the pleasure of knowing and working with Al for several years. Mayor Natividad has graciously served as a member of the military academy panel which makes recommendations to me on appointments to the military academies from the 34th Congressional District.

Mayor Natividad has served Pico Rivera with distinction as a member of the Pico Rivera Redevelopment Agency, the Pico Rivera Housing As-

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2629

sistance Agency, and city representative to the League of California Cities. He is a member of the legislative committee for the Southern California Association of Governments and State Advisory Group to the Governor on Juvenile Justice and Delinquency Prevention.

Mr. Speaker, I rise today on the floor of the House to proudly recognize my friend, Mayor Al Natividad for his outstanding service to the youth and people of Pico Rivera. He will be honored at a benefit dinner for the Boy Scouts, Cub Scouts, and Explorer Scouts on June 13, 1985. I want to join with others to pay tribute to his contributions.●

IN HONOR OF JOE BARTH

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. FLORIO. Mr. Speaker, Joe Barth of Brooklawn, NJ, is being honored by the town of Brooklawn, Camden County, and the Brooklawn American Legion Post, No. 72, for his 34 years as coach. Through Joe's skills and dedication, his teams have won 33 area, 12 State, and 4 eastern U.S. championships. In 1984, the team finished second in the American Legion World Series for 16- to 18-year-old young men, played in New Orleans, LA.

Joe has had a profound and positive impact on the many young men he has coached. Over 200 boys have been recipients of scholarships to play college baseball, and over 60 have become professional players.

I have been fortunate to know and work with Joe as a former fellow elected official and as a dedicated community leader. Joe, his wife Helen and their five children have lived and participated in the their community for many years. Joe is most deserving of the honor being bestowed on Saturday, June 8, as an outstanding example of volunteerism and commitment to community and our youth.●

PROF. NICHOLAS J. GRANT

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. RITTER. Mr. Speaker, today I would like to bring to the attention of my House colleagues a symposium June 16-18 honoring the career of Nicholas J. Grant, professor of metallurgy, department of materials science and engineering, Massachusetts Institute of Technology. Professor Grant has been an honored faculty member at MIT for 40 years. His accomplishments, however, are not only in the realm of academia. Dr. Grant was among the first to push the technolo-

gy transfer from the university to applications in industry. Even in the early 1950's while doing research in high temperature alloys and titanium, Dr. Grant realized that funding would continue to be provided only if the results were useful to the national welfare.

Dr. Grant went to Carnegie Institute of Technology in Pittsburgh on a football scholarship. He graduated with a B.S. in metallurgical engineering in 1938. He obtained his Sc.D. in metallurgy in 1944 from MIT and began his teaching career at MIT the following year. In 1956, he was appointed a full professor.

Professor Grant's current research efforts are concentrated on high temperature metallurgy and materials with a major emphasis on rapid solidification science and technology. He has over 370 publications to his credit. Dr. Grant served on the Advisory Committee on Materials and Structures of NACA, the predecessor of NASA, from 1948 to 1958, then on the same committee under NASA from 1958 to 1966. From 1968 to 1974, he was a member of NASA's Research Advisory Committee, for a time serving as chairman. In all, he served 24 years on the two committees, an exception to NACA and NASA rules. He also served on numerous Government and institutional committees concerned with material topics. On these committees Dr. Grant was able to successfully transfer processes and data developed at the university to applications in the defense and civil sectors of our economy.

Dr. Grant also holds more than 30 U.S. patents and more than 100 foreign patents. Currently, he serves on the boards of five industrial companies and two mutual funds.

Nicholas J. Grant brings rich imagination and creativity as well as a warm and friendly personality to all his endeavors. His involvement with companies all over the world has enabled him to serve as a scientific ambassador for the United States. He has demonstrated the finest of American qualities to the rest of the world.

Nicholas J. Grant is an American pioneer. His efforts to join academia and industry have made him one of America's most valued scientists.●

THE FOREIGN MOTOR CARRIER
REGISTRATION ACT OF 1985

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. COLEMAN of Texas. Mr. Speaker, today I am introducing a bill to correct the inequities created in a law, Public Law 98-554, the Motor Carrier Safety Act of 1984, passed at the end of the 98th Congress.

That law, though well-intentioned, will adversely affect this Nation's

border economy with Mexico. In essence, the Motor Carrier Safety Act of 1984 provided for foreign carriers to obtain certificates of registration from the Interstate Commerce Commission to conduct commerce inside the United States. The original intent of the bill was to protect the American trucking industry from unfair competition from Mexico. The bill would have limited access for foreign carriers, primarily Mexican, to American markets by providing that they obtain a certificate of registration from the ICC, and only allow them to enter into the commercial zones designated by the ICC along the United States-Mexico border. The administration and the Congress believed that passage of this legislation was necessary to prod the Government of Mexico to open its trucking market to U.S. truckers. While I see no fault with the intent, I strongly object to the means. In effect, this law would cause undue strain on commerce along the United States-Mexico border, already hurt by the 1981 and 1982 peso devaluations. In conversations with the administration, the ICC, the U.S. Trade Representative, and the Department of transportation, I became aware of the fact that none of these parties sought to bring harm to the American in-bond industry, a major boom to our border economy. Unfortunately, however, that is exactly what the implementation of Public Law 98-554 would do. Therefore, I am introducing a bill which would correct this situation without causing any harm to the American trucking industry, nor eliminate the road safety measures contained in the original bill.

My bill, the Foreign Motor Carrier Registration Act would do the following:

Clarify certain requirements contained in Section 226 of the Motor Carrier Safety Act 1984 (P.L. 98-554) regarding foreign motor carriers;

Clearly distinguish the type of certificate to be issued to foreign carriers;

Establish—

That registration requirements apply to all foreign carriers providing transportation of property (including exempt items); and,

That registration requirements relate to "commercial motor vehicles."

Establish—

The "fit, willing, and able" safety roadworthiness requirements applicable to foreign carriers when providing interstate transportation; and

The areas in which foreign motor carriers and foreign motor private carriers (foreign and United States owned and controlled) will be allowed to operate.

Mr. Speaker, the Foreign Motor Carrier Registration Act of 1985 is necessary to correct the inequities contained in Public Law 98-554. This bill reaffirms the existing law's safety provisions and strengthens them. It continues to protect the American trucking industry. Perhaps most significant, it avoids the undue harm on the American in-bond plant industry, which is so important to the United States-

E 2630

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

Mexico border region. It has only been a short 2 years since the drastic Mexican peso devaluations devastated this Nation's border economy. To cause further injury, which the implementation of Public Law 98-554 would do, could provide the fatal blow to that region with repercussions felt throughout the entire economy of the United States.●

FIRST ANNUAL ANNE FRANK AWARD

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WEISS. Mr. Speaker, Anne Frank was a remarkable young girl who retained her spirit and optimism even when forced into hiding to escape from the Nazis. Her diary attests to her steadfast courage in the face of constant danger. To commemorate the anniversary of Anne's birthday, this year there will be a major exhibition on the life and times of Anne Frank. Coinciding with the opening the American Forum on Religion and Politics and the American Friends of the Anne Frank Center will be presenting the first annual Anne Frank Award to Prof. Elie Wiesel.

The selection of Professor Wiesel for this great honor could not have been more appropriate. He has played an important and decisive role in making the public aware of the Holocaust. Professor Wiesel believes it is essential for the world to know how and why the Holocaust occurred because such an event can be prevented from recurring only if we understand why it happened the first time. Professor Wiesel had dedicated his life to this mission. Himself a survivor of the Nazi concentration camps, he subjects himself to the very real pain of recalling his horrifying memories again and again. His life is of such nobility as to have achieved almost universal praise and admiration.

The people at the Anne Frank Center also work to spread the story of the Holocaust throughout the world. They have chosen Professor Wiesel as the recipient of the first annual Anne Frank Award as a gesture of gratitude and respect. I complement the center for its fitting choice and congratulate Professor Wiesel as he receives this honor.

Just prior to being taken to the concentration camp where she died, Anne Frank wrote in her diary: "... in spite of everything I still believe that people are really good at heart." Her optimism was unwavering. She must have known that somewhere outside her secret hiding place there were people like Elie Wiesel.●

TRIBUTE TO ROBERT F. KENNEDY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. TORRICELLI. Mr. Speaker, today, we note 17 years since the tragic and untimely death of Senator Robert F. Kennedy.

In his death, there is only tragedy; but in his life, there was a moral dedication that is nothing less than inspirational.

What Robert Kennedy meant to us, and to all those he touched, was best summed up by his eldest son, Joseph, 2 years ago when he wrote:

At the end of his life he was, many said, virtually alone in the ability to gather an almost fervent support from millions of America's working people—black and white and Spanish-speaking. He had become, I guess, a kind of populist * * *. Now, as I think of what has happened here in America and in other countries, too, I realize that millions of plain people, trying to make a go of it, often against considerable odds, are entitled to keep mourning the terribly premature death of Robert F. Kennedy as much as those in his family still do * * *.

His was a spirit that could neither be dampened nor corrupted, and his tenacity gave hope to us all. In a world of cynicism, he held fast to the dream of a brotherhood of man.

William Manchester recently wrote some words about President Kennedy which, I think, are just as appropriate for his brother Robert. Manchester compared the President to the brightness of the star Capella, "It is brilliant, it is swift, it soars. Of course, to see it, you must lift your eyes. But he showed us how to do that."

Robert Kennedy showed us, as a people, how to lift our eyes to the future, how to extend a hand of compassion to the unfortunate, how to wield the sword of truth against injustice, how to inspire the dreams of youth and, finally, he showed us how to better mankind through hope.●

HONORING MICHIGAN HOUSING COUNSELORS AND ERWIN R. KING

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BONIOR of Michigan. Mr. Speaker, it is a distinct honor for me to mark today the 25th anniversary of the founding of Michigan Housing Counselors/Michigan Credit Adjusters, and to honor as well its distinguished founder and president, Erwin R. King.

Mr. Speaker, Mr. King and his firm are Michigan's oldest and most respected, and perhaps largest housing and credit counseling agency. The standards this firm has set over the

last quarter century have shaped financial counseling in Michigan.

Mr. King's firm has had a major impact in Michigan's financial markets. In its 25-year history, the firm has counseled over 10,000 clients on consumer debt problems, preserving over \$30 million. They have counseled over 5,000 mortgage cases, saving over \$200 million in assets.

Mr. King has served as the president of the Michigan Association of Credit Counselors. His experience and professional reputation have extended far beyond Michigan. He has served as the secretary treasurer of the American Association of Credit Counselors.

Many of my colleagues will remember that several years ago, when the small but important Federal program to provide housing counseling was under attack, Mr. King came to Washington and testified in support of the program. His eloquent and specific statement was instrumental in saving that program.

Mr. King has also been a major influence in community affairs throughout southeastern Michigan. His firm contracted to provide counseling to low income families in Macomb County, receiving just \$1 a year from the county to bind the contract. From 1969 through 1980, Macomb Credit Adjusters donated over 18,000 hours in counseling over 2,500 clients, handling over \$5 million under the contract with Macomb County.

Mr. King's years of community service touches many agencies vital to southeast Michigan. He has been active in the Michigan Cancer Society, the Kiwanis Club, the Michigan United Fund, as well as the Macomb County Human Resources Committee.

Mr. Speaker, I could go on and on about Mr. King's community service. It surprised few people when Mr. King was named "Citizen of the Year" by the Macomb County Board of Commissioners in 1979.

Mr. Speaker, Mr. King has helped give birth to the industry of financial counseling in Michigan, seeking the highest standards for the profession, handling over a quarter of a billion dollars in assets, and in the process protecting and shaping our neighborhoods and communities.

And the growth and expansion of Mr. King's work is not over. His firm is presently considering plans to begin franchising credit and mortgage counseling services across Michigan. There is a great future ahead.●

PERSONAL EXPLANATION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. LEWIS of Florida. Mr. Speaker, on Thursday, June 6, due to official business, I was unavoidably absent

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2631

during rollcall No. 142. Had I been present, I would have voted "nay."●

ANTI-APARTHEID ACT OF 1985

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes.

● Mr. RANGEL. Mr. Chairman, I rise to voice my full support for the Anti-Apartheid Act of 1985, and to commend my colleagues for working so hard to bring it to the floor of the House.

The Anti-Apartheid Act will turn the attention of this Nation and the world to the commercial links now existing between Western nations and the Republic of South Africa. Its focus is, of course, upon trade between the United States and South Africa, but its impact will extend beyond that singular context. Its impact will lie in the fact that the United States has had the courage to take the lead in bringing an end to the inherent contradiction of democracies doing business with apartheid.

We may ask, Mr. Chairman, why the United States should be at the forefront of the antiapartheid movement. Why should we end what is essentially a lucrative business arrangement?

Well, I would answer this by saying that the American people consider themselves to be a principled people. When the time has come, we have stood up to defend those principles, often at great cost in lives and resources.

Apartheid is nothing less than post-war neonazism. It is a racial ideology which relegates one racial group to a subordinate status for the benefit of another racial group. Both nazism and apartheid use this doctrine of racial supremacy to remove and concentrate large numbers of people in limited geographical areas. In Germany, the result was the Holocaust; South Africa has yet to reveal its final solution.

The pass laws, arrests, detentions, homelands, and violent suppression of free speech cannot last much longer without a bloody confrontation. We must do what we can to prevent this confrontation, something beyond the administration's laissez faire constructive engagement failure.

The Anti-Apartheid Act will bring Pretoria to its senses. By hitting apartheid at its economic base, the United States will begin a process whereby South Africa will have to loosen the chains of apartheid if it wishes to take a place in the world community.●

ANTI-APARTHEID ACT OF 1985

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. TALLON. Mr. Speaker, I rise today with great pride and optimism after this body's vote of 295 to 127 for H.R. 1460, the Anti-Apartheid Act of 1985. I am proud to be one voice in the House of Representative's unified message to South Africa and the Reagan administration that the racist regime of South Africa will no longer receive implicit or explicit U.S. support.

The news media carries almost daily reports of continuing violent confrontations between blacks seeking political and humanitarian rights and the forces of the South African Government.

I believe there can be no doubt that the cause of this violence lies in the system of apartheid, a system which maintains 23 million blacks, the overwhelming majority in South Africa, as outcasts in their own land.

The Republic of South Africa is the only place in the world where racism is enshrined in law. By law in South Africa, the color of one's skin determines whether that person can own property, where he can live, where he may work and whether he can vote.

How can we, as Americans, who pride ourselves on our commitment to civil rights, continue to directly or indirectly support a Government which denies the most basic of human rights to the largest racial group in its country?

That is why this legislation is so important and why I strongly supported its adoption.

We all agree that the apartheid system is moral and political evil. The question is how the United States can most effectively use its influence to change this system of institutionalized segregation.

The time is now for a new policy—one consistent with American values and American national interests. But we must make clear our opposition to apartheid in deed as in word.

Mere rhetoric can no longer suffice in the face of grave injustice and gross violation of state authority against a people who merely seek what we all seek—equal political economic and social rights before the law.

America's economic strength will no longer go to support apartheid. Quite simply, this legislation imposes four economic sanctions on South Africa: a ban on loans to the South African Government, a ban on any new investment in South Africa, a ban on the importation of South African Krugers, and a ban on the sale of computers to the South African Government. The bill also establishes penalties for violations of these economic sanctions.

The measure also permits the President, only with congressional approv-

al, to waive for a limited period the prohibitions involving new investment and gold coins if the South African Government meets one of eight conditions stipulated in the bill. The conditions require the South African Government to take definite steps to dismantle apartheid.

These economic sanctions will clearly indicate to the South African Government and the world that South African governance by threat or repression will no longer be tolerated. Through this legislation and further efforts, we can move to the construction of justice, freedom, and hope in South Africa.●

H.R. 1460—ANTI-APARTHEID ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MILLER of California. Mr. Speaker, the House of Representatives has taken an important step by passing H.R. 1460, "The Anti-Apartheid Act." It is obligatory that this Congress repudiate the tolerant attitude of the administration toward racial discrimination in South Africa, and instead declare ourselves full partners in the effort to end apartheid.

This past April, as the chairman of the Human Rights Task Force during the Speaker's visit to the Soviet Union, I told the leaders of the Soviet Government how vigorously we object to their discriminatory policies against racial and religious minorities. In a speech to members of the Supreme Soviet, I said something which is very appropriate here this afternoon.

Human rights, I said, are "Inseparably linked to all other issues. On this we will not bend. As Abraham Lincoln declared, 'Important principles may and must be inflexible.'"

We sent that message to the Soviet Union. By passing H.R. 1460, we can send that same message to the Government of South Africa.

The bill H.R. 1460 follows in our national traditions of peaceful change and human rights. Political, economic, and social sanctions established by this act will emphasize our vigorous objection to apartheid, and will promote our position as defenders of personal freedom and human rights throughout the world.

This bill includes incentives to the South Africa Government to end its official policy of racial discrimination, providing a realistic means for achieving the elimination of these racist doctrines. But more than incentive are needed. H.R. 1460 also prohibits new U.S. investment in South Africa; halts U.S. bank loans to South Africa; bans the importing of South African gold coins into the United States; and halts the export of computer equipment to the South African Governments.

E 2632

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

Our present practice of "constructive engagement" is a weak, ineffective and inadequate means of bringing about the repeal of apartheid. We cannot separate military policy from apartheid; we cannot separate trade policy; we cannot separate cultural or sports policies. We cannot separate any of them from the issue of apartheid.

Efforts to dilute this legislation sent an erroneous message to the proponents of apartheid and the opponents of racial justice in South Africa. Weakening this legislation, through adoption of these amendments, suggested that the Congress of the United States is not serious in our revulsion for a system which denies basic human rights and justice to the black majority of South Africa. And that would be very wrong and unfortunate.

I call upon all of our colleagues to reject apartheid and reject "constructive engagement." Let us instead embrace for black South Africans the same standards of justice that we claim for ourselves: Democracy, majority rule, and freedom for all the citizens of South Africa.●

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ROGERS. Mr. Speaker, on June 4, 1985, I was unable to be present for rollcall No. 134, an amendment to H.R. 1460, the Anti-Apartheid Act of 1985. Had I been present, I would have voted "aye."●

A TRIBUTE TO ROBERT H. MCGOWAN, CHIEF OF POLICE, CITY OF PASADENA, CA

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MOORHEAD. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues in the House of Representatives the retirement of a dedicated and effective public servant, Chief Robert H. McGowan of the Pasadena Police Department.

Chief McGowan joined the Pasadena Police Department in March 1954. Within a decade and a half, he was appointed the top law enforcement officer in the city of Pasadena. In that position, he made his presence felt almost immediately with an extensive reorganization of the department. He started the police helicopter patrol, which has achieved an unexcelled enforcement and safety record. He established the first full-time school resource officer program in the State of California. He organized a full-time special enforcement team, a youth

services section to provide a wide range of alternatives to cope with juvenile crime problems, a Neighborhood Watch Program, a victim assistance team and a special narcotics task force, which has enjoyed considerable success.

In a word, Chief McGowan developed a police department that was responsive to the needs of the time and the city of Pasadena. He helped mold a police department that is a source of pride to the community and the people who serve in the department.

He has also served with distinction and respect on numerous county and State peace officers associations, being the president of the California Police Chiefs Association in 1981.

Chief McGowan's civic activities are almost as numerous as his law enforcement and criminal justice activities. He served with the Pasadena chapter of the American Red Cross, the California National Guard, the League of California Cities, the Pasadena City College Board of Directors Alumni Association, the Los Angeles Area Council on Community Relations and the Pasadena Little League.

The residents of Pasadena and the wider community will miss Robert McGowan's numerous contributions to the safety and welfare of our society. He is a man worthy of emulation and a man who deserves our gratitude for his countless contributions to our well-being.

Mr. Speaker, on behalf of myself and the residents of the 22d Congressional District, I wish for Robert McGowan in retirement the very best, which is what he has been giving us for so many years.●

MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT OF 1985

SPEECH OF

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1985

● Mr. FRENZEL. Mr. Speaker, as a cosponsor of H.R. 1868, the Medicare Patient and Program Protection Act of 1985, I would like to stress the importance of this long overdue legislation which protects our Social Security beneficiaries from fraudulent health practitioners.

All of our citizens deserve to be protected from unscrupulous practitioners who would otherwise be able to treat Medicare and Medicaid patients in one State, after losing their licenses in a different State for reasons of fraud, financial abuse, or neglect or abuse of patients. These practices are not only direct abuses against our Federal and State medical programs, but also against the elderly and disadvantaged people of our country.

I am pleased that Congress is taking action to close the existing loopholes

which allow for such obvious wrongdoings to take place within our Nation's medical system.●

AMERICA'S SPIRIT OF ALTRUISM ALIVE IN FLAGLER COUNTY

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. CHAPPELL. Mr. Speaker, as many of my colleagues are aware, Florida was recently subjected to a series of fires which left hundreds of thousands of acres blackened and hundreds of Floridians homeless.

One of the largest and most devastating of these fires occurred in Flagler County in the Fourth Congressional District. This fire burnt almost 30,000 acres and destroyed over 100 homes.

In response to this disaster, the people of Flagler County and neighboring jurisdictions banded together in a cooperative effort of voluntarism and hard work. Over 300 firefighters worked around the clock to bring the fire under control. After a tireless and courageous fight, and some help from Mother Nature in the form of rainfall, the fire was halted.

While controlling the fire brought relief, it also allowed local residents to focus on the devastation their community had suffered. However, the people of Flagler County, with the help of an unprecedented outpouring of needed commodities from nearby residents and over 250 volunteers, have begun the cleanup and to put their community back in order.

Mr. Speaker, much work remains to be done in Flagler County, but tribute must be paid to those who risked their lives and gave of their time and money to help their fellow citizens in their time of need. While the devastation has been great, the community response has shown that America's spirit of altruism is alive and well in Flagler County.●

EVA FOURNIER, OUTSTANDING SENIOR VOLUNTEER

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Ms. SNOWE. Mr. Speaker, Eva Fournier, of Rumford, ME, has just been named the Outstanding Senior Volunteer for Maine by the Federal Administration on Aging. At the age of 90, she is leading a life filled with energetic activity and concern for her friends and community.

Just a partial list of Eva's volunteer efforts illustrates her dedication to people of all ages in the Rumford area. Mrs. Fournier donates 30 hours

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2633

each week to the Rumford Retired Senior Volunteer Program [RSVP]. Three days a week she is the "money lady" at the Rumford congregate meal site. Once a week she works with residents at the Cozy Inn Nursing Home, and clerks once each week at the Second Time Around Shop, a fundraising activity for the benefit of senior citizens projects. She assists with getting out the monthly senior citizen newsletter and regularly bakes for senior citizens fundraising sales.

Eva reaches out to those who are taking their first steps in life as well, by knitting and crocheting mittens and other articles for the local Head Start Program. While it's easy to see why the RSVP coordinator said it would take five volunteers to replace her, I don't think anyone could replace Eva—only follow her.

I take great personal pride in having had the honor of nominating Eva Fournier as Outstanding Volunteer. She stands as a role model for women of all ages: committed to brightening her life by improving the lives of those around her. It is a virtue that shines even greater because of her nine decades of life.

Mr. Speaker, I join with hundreds of others in Maine in saluting and thanking Eva Fournier for her tireless efforts.●

THE 1985 LONG ISLAND HIGH SCHOOL OF THE YEAR

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MRAZEK. Mr. Speaker, I rise today to bring to the attention of my colleagues the exceptional endeavors of some special high school students in New York's Third Congressional District.

Mineola High School in my district has just been awarded the grand prize in the 1985 Long Island High School of the Year competition for its outstanding contribution to community services. The award is presented annually by Newsday, Long Island's daily newspaper.

Mr. Speaker, we live in the greatest democracy in the world. Part of America's strength lies in the selfless and consistent voluntary support given by the youth of this country to those less fortunate. The students of Mineola have upheld the American tradition of voluntarism by donating their valuable time to causes which bring personal rather than financial rewards. The students have learned that sometimes even a minimum effort can bring immense, intangible joy to others' lives, and a special satisfaction to their own.

The Mineola students focused their efforts on one of the most critical community needs—enhancing communication between youth and senior citizens. Aging is a process most of us will

someday confront. Yet, at the same time, few of us are adequately prepared to face the problems naturally connected with aging, such as loneliness and physical illness. The students of Mineola High established a Nursing Home Visitors Program, through which groups of students visited nursing homes over a period of 6 to 8 weeks. They also held fundraisers so they could invite senior citizens from Mineola to a luncheon at the school cafeteria with the high school students acting as waiters and cleanup crew.

These programs were specifically designed to dispel myths and stereotypes often held by youth about aging and the elderly. In light of this outstanding community service, I want to applaud the students' efforts, encourage continuation of these endeavors, and congratulate them on their selection by Newsday as the 1985 Long Island High School of the Year.●

GENERAL AGREEMENT ON TARIFFS AND TRADE NEEDS TO BE REEVALUTED

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 28, 1985

● Mr. THOMAS of California. Mr. Speaker, today I introduce a resolution calling upon the President to reevaluate the General Agreement on Tariffs and Trade [GATT] as a tool for obtaining relief for U.S. industries from unfair trade practices. If the President should determine GATT will not afford relief on our outstanding trade complaints within a reasonable period of time, the President is further urged to recommend to Congress appropriate reductions in U.S. funding of GATT activities.

This is not a resolution about GATT's dismal control of subsidies in agriculture or the European Community's callous refusal to agree to new trade negotiations on export subsidies and settlement processes. This resolution simply asks why the United States should continue to fund an international organization that seems to have no power to protect U.S. trade rights.

Recently, the European Community made it clear it will block any further action on a GATT panel report in favor of U.S. citrus producers. Having followed GATT rules since 1982 in seeking relief from EC trade preferences that nullify and impair U.S. rights, U.S. orange and lemon growers are now learning that GATT prevents them from getting relief. GATT actions are taken by consensus, and the EC's opposition to further action means the defendant in this action has simply decided not to allow any more to be done. The community's blatant action is no different in principle than its refusal to permit adoption of an

earlier panel decision in favor of the United States on unfair EC export subsidies for pasta.

These actions show that the European Community or any other party can effectively deny the United States its rights under the agreement any time we stand a reasonable chance of winning a complaint. Why should the United States continue funding an organization that is of no use in protecting our trade rights? It seems the United States is only paying for the right to be told, drop dead.

In the near future, Congress will act on a conference agreement for the fiscal year 1986 budget. Lots of Americans are going to be asked to sacrifice under that budget no matter what it contains. The House will make hard choices and will undoubtedly demand that Government expenditures produce as much public benefit as possible.

One of those hard choices should be on our funding of GATT. The United States is supposed to supply GATT mechanisms with 14.88 percent of their funding this year, about \$3.4 million; last year, the United States provided about \$3 million. I am sure my colleagues will agree that we should demand some benefit from such expenditures. The time has come for a critical reevaluation of GATT's failure to provide relief, its poor prospects for providing relief in the future, and the barefaced waste of U.S. funds.

I urge my colleagues to join me as cosponsors of this resolution in order to emphasize the need for scrutiny of GATT's dismal performance. Unless the United States signals its displeasure with GATT's Byzantine and useless mechanisms, we will never get our trading partners to seriously discuss necessary reforms.●

A CONGRESSIONAL SALUTE TO JIM VAN STEDUM, OUTGOING PRESIDENT OF THE GREATER LAKEWOOD CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ANDERSON. Mr. Speaker, I would like to take this opportunity to draw attention to the achievements of Mr. Jim Van Stedum, soon to be honored as the outgoing president of the Greater Lakewood Chamber of Commerce. Let me say at the outset that this can be, due to space limitations, at best a sketchy tribute to this gentleman who has contributed so much to our community.

Jim, the oldest of 12 children, was born on a dairy farm in Arpin, WI, in the same house that his father was born in. After attending Stevens Point College, he opened a vacuum cleaner store. Wisconsin's loss was California's

E 2634

CONGRESSIONAL RECORD — *Extensions of Remarks*

June 6, 1985

gain when, in 1956, Jim came to Long Beach and worked for Sears & Roebuck. After serving 2 years in the Army, he went to Chicago where he worked for Ardis & Co., managing office space in the Loop.

Returning to Long Beach in 1960, Jim demonstrated his prowess at various sales positions. In 1977, he became a Farmers Insurance agent. Since then, his agency has grown to be one of the most successful Farmers Insurance offices in the area.

Since joining the Lakewood Chamber in 1979, Jim has continued to spread his positive influence to the benefit of the Lakewood/Long Beach community where he and his wife, Eileen, reside. He served on the board of directors in 1980 and held the position of 2d vice president in 1982. Jim is soon to conclude his term as the 1984-85 president. In addition to his activities with the chamber, he is a member of the Moose and Eagles lodges, and has served as treasurer and trustee for the Eagles as well as being head of the Max Bear Heart Fund for 1 year.

Jim Van Stedum is one of the many outstanding citizens whose activity in the community has added immeasurably to its betterment, and which makes me proud to represent the 32d District of California. My wife, Lee, joins me in wishing Jim and his wife, Eileen, all the best in their future endeavors. ●

POLITICAL LABELS OFTEN MISLEADING IN REFLECTING AFRICAN REALITIES

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WOLPE. Mr. Speaker, a significant gap exists between political labels and policies in almost every African country. It is a gap that has grown dramatically over the 25 years of African independence. Since 1960, African governments and societies have experimented with a variety of governmental and economic techniques and structures in their search for development and national growth. In numerous cases, the application of borrowed Marxist and Socialist principles have failed to alter or counteract a protracted economic decline throughout the continent. Indeed, as practiced in several African nations, Marxism and socialism has produced as wide a gap between expectations and fulfillment of economic well-being as that in many Warsaw Pact countries. As a result, there is disillusionment in many African capitals and a search for different approaches to Africa's economic woes.

Consequently, African leadership circles are reconsidering their ties to Western technology, capital, and expertise. It is important that the American response to these renewed overtures include a willingness to construct

a dialog with all African countries, no matter their political labels. It is important that we do so in order to position ourselves to take advantage of this African attempt to reorder priorities in a way that best serves to strengthen and protect U.S. interests. As the weaknesses of the Soviet model are exposed and reexamined in the African context, the United States should move to support and offer expanded assistance toward alternative approaches for economic growth and development. I commend to my colleagues an article by Glen Frankel of the Washington Post that articulates very well certain aspects of this process of change, which is presented as follows:

[From the Washington Post, June 6, 1985]

SOCIALISM SEEN LOSING APPEAL IN AFRICA (By Glenn Frankel)

HARARE, ZIMBABWE.—This continent, strewn with human victims of economic failure, is claiming an ideological victim as well.

Africa socialism, born and raised as the privileged offspring of the independence decade of the 1960s and grown to maturity in the Marxist-Lennist states of the 1970s, has been dispossessed and increasingly rejected in the squalor and turbulence of the 1980s.

Two weeks ago Tanzanian President Julius Nyerere, one of the founding fathers of African socialism, announced the lifting of his country's 14-year ban on private ownership of rental housing and a plan to sell off many state-owned farming estates to private businessmen.

The self-proclaimed Marxist state of Mozambique recently drafted a new private investment code, lowered taxes and eased import and export controls in a bid to attract foreign capitalists. It is one of several African states seeking investment from multinational firms they once viewed with open hostility. Similarly, Zimbabwean Prime Minister Robert Mugabe, who calls himself a Marxist-Leninist, mentioned socialism only twice in his annual address to the nation in April, and then only to assure this audience that his socialist goals would be achieved "by education and persuasion and not by imposition and compulsion."

Many reasons lie behind the retreat from socialism. One is the failure of socialist-oriented governments such as the ones in Tanzania and Zambia and Marxist states such as Ethiopia to meet their people's basic needs. Another is general disenchantment with the Soviet Union, which has not been able to supply sufficient funds and other resources beyond arms to allies such as Ethiopia, Angola and Mozambique and which ideologically has often treated those nations as well-meaning but impressionable children rather than full-fledged socialist partners.

But the most compelling reason is sheer survival. Many countries practicing socialism, whether of Nyerere's "humanistic" variety or the more ideological Marxist mode of Angola and Mozambique, are facing economic disaster and groping for new ways to stimulate growth. Increasingly they are forced to turn to the West for capital and for ideas.

About 10 of Africa's 50-odd nations call themselves socialist and another eight refer to themselves as Marxist. But the list includes such anomalies as Zimbabwe, whose leadership considers itself Marxist even while the country functions under a mixed, often capitalist-dominated economy.

Like Nyerere, many of these leaders turned to socialism in the late '60s and early

'70s after the first decade of independence when they decided that capitalism had produced "growth without development," that is, increases in the gross national product but not better living conditions for the vast majority of their people.

Few leaders are willing to concede publicly what they now are retreating from the socialist model. But the impact of the steps many are taking is clear.

"We've been living beyond our means," said Tanzanian Finance Minister Cleopa Msuya, one of those overseeing his nation's policy reforms. "Cutting costs is neither socialism nor capitalism; it's just common sense." But, he added, "those who are realists can see the country is moving in a new direction."

A key feature of that new direction has been a move away from economic centralization. Once a prime goal of the newly formed countries of Africa, centralization was designed in theory to mobilize all of a nation's thin resources for the push toward development.

In practice, centralization often led to bloated and corrupt bureaucracies and state-controlled companies in national capitals run by poorly trained officials who had little or no idea of needs and priorities in the countryside, where most Africans live.

In many countries, central planning started as a watchword and soon became a farce. Mozambican officials never even bothered to publish their last five-year plan, which was designed in 1981 and scrapped the same year. Planning officials here were conceding that Zimbabwe's last three-year plan was out of date even before it was announced in 1983.

Part of the problem with socialism in Africa is that no government ever had defined it firmly. The early rulers of independent Africa, including Nyerere, Ghana's Kwame Nkrumah and Zambia's Kenneth Kaunda, sought to create a special brand of distinctly African socialism that was classless, agrarian and noncoercive and that harked back to the precolonial days when, it was claimed, a sort of pastoral communism flourished in Africa. But while Nkrumah moved increasingly toward a Marxist model, Kaunda tried to build a massive welfare state based on the earnings of one industry—copper—while Nyerere eventually opted for a complete overhaul of Tanzania's countryside by compelling peasants to relocate in collectivized villages.

All three models failed: Nkrumah's when he was overthrown, Kaunda's when the copper wealth ran dry and Nyerere's when peasants rebelled against forced moves and low farm prices by withholding their crops from the official marketplace.

In other nations, socialism began not as a program but as a response to perceived repression. Since white-minority governments in countries such as Angola, Mozambique and Zimbabwe called themselves capitalist, their black guerrilla opponents quickly identified themselves as socialists.

"To be a socialist meant to be opposed to the white-minority regime and to racism," said Willie D. Musarurwa, editor of the Harare Sunday Mail, who spent 10 years behind bars under white-minority rule here. "It had very little to do with real ideology or economics."

But after independence, translating liberation-movement slogans into governmental realities proved extremely difficult. Orthodox Marxism, with its belief in a broad, functioning working class and a small, vanguard revolutionary party as prerequisites for socialist transformation, often seemed less than relevant to an Africa that lacked industry and resources and whose political

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2635

parties generally were mass organizations embracing many social classes and ideologies.

Even the Soviet Union, which encouraged the spread of communism in Africa, could not bring itself to call its new Marxist proteges "socialist," instead they were labelled "socialist-oriented," a tag many African Marxists viewed with contempt.

Africa's economic agony has led even the most doctrinaire Marxists to rethink their policies. Angolan officials have said their Soviet economic advisers have encouraged them to turn to western transnationals such as Gulf Oil for new capital during what they describe as the "transition period" between the colonial past and a socialist future.

Marxists and other radical analysts defend themselves in part by denying that socialism ever got a chance in Africa.

"A lot of these regimes weren't really socialist to begin with," said Nelson Moyo, chairman of the economics department of the University of Zimbabwe. "The idea of centralizing everything at once without adequate manpower or training—that's not necessarily socialism."

Some radical analysts contend that the retreat from socialism is largely a result of pressure from western aid donors and lenders such as the World Bank and the International Monetary Fund.

Others say fruits of African independence have not been lost despite recent setbacks.

"Africa made a major step forward in becoming independent," said Paul Brickhill, a leftist intellectual who manages a socialist bookstore in Harare. "But now the struggle has moved to a further stage."

Paradoxically, some analysts suggest that the country that may have the best chance of achieving genuine socialism is the last holdout against black rule—South Africa. There, the reasoning goes, exists the largest, best trained and most politically sophisticated black working class and industrial base in Africa, some of the continent's fastest growing trade unions and a readily identifiable class enemy. If ever there is a workers' revolution in Africa, some Marxists contend, South Africa is where it will occur.●

IN SALUTE OF SACRAMENTO'S KAISER PERMANENTE HOSPITALS 20 YEARS OF PROGRESS, QUALITY AND CARING

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MATSUI. Mr. Speaker, for 20 years Kaiser Permanente has provided outstanding service to my home community of Sacramento. On behalf of Sacramento, I would like to commend the Kaiser Permanente Medical Care Program and recognize its vital contributions in enhancing the quality of health care service in my community.

Kaiser first opened its doors in Sacramento on May 1, 1965. In the two decades since that date, Kaiser has grown from a small 64-bed hospital and clinic to two medical centers in Sacramento County and a medical office complex in Roseville, serving over 300,000 people which is equivalent to one out of every four residents in the Sacramento area.

The nature of health care, the demand for certain services and the

role of medical providers has changed dramatically in 20 years. Such a transition requires flexibility, creativity and the willingness to take risks. These skills and talents, coupled with Kaiser's innovation, commitment and personal caring has thrust them from a maverick in health care to a national leader in the quest to provide the highest quality of care at an affordable price.

Again, Mr. Speaker I would like to commend and congratulate Kaiser Permanente on its 20th anniversary and wish them many more decades of success in Sacramento.●

THE REGISTRATION PROGRAM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. SOLOMON. Mr. Speaker, when the House considers the Department of Defense Authorization Act I will offer two amendments aimed at strengthening our country's registration program. The first amendment simply states that no person who is required to register with the Selective Service and has not registered, shall be employed in civil service positions in the Federal Government. The second amendment prohibits individuals who have failed to register from working under a Department of Defense contract. These measures simply extend current laws which prohibits taxpayer benefits from individuals who have failed to register. They provide a practical and relatively inexpensive way to improve the effectiveness and fairness of the registration program.

Failure to register is not a victimless crime. The victims are the over 13.5 million patriotic young men who have abided by the law. Each man who ignores the law increases the draft vulnerability of those who have registered. The purpose of these amendments is to assure that the young men of our country are treated fairly.

We still have a large number of young men who are not registered and if Congress authorized a draft today the system would bypass those who have ignored the law and only call up those who have abided by the law. This is the problem my amendment seeks to address. These amendments are strong inducements to comply with the law. They will improve registration compliance and by so doing will insure that the young men of this Nation are treated in a fair and equitable manner.

Peacetime registration is a straightforward and vital contribution to the maintenance of our Nation's defense. The program contributes up to 2 months to our national readiness posture in the event America must mobilize. Linking Federal employment and employment created by defense con-

tracts to the registration requirement simply tells young men that they cannot expect the benefits of our society if they fail to meet the minimum requirements of citizenship.

America's young men enjoy a priceless heritage: They are better off politically and economically than young men in any other country at any time in the history of mankind. But the freedoms they enjoy did not come easily. In a recent Supreme Court decision involving Selective Service, Justice Lewis Powell stated:

Few interests can be more compelling than a Nation's need to ensure its own security. It is well to remember that freedom as we know it has been suppressed in many countries. Unless a society has the capability and the will to defend itself from the aggression of others, constitutional protections of any sort have little meaning.

The House of Representatives and the other body have overwhelmingly approved similar Solomon amendments. Under current law an individual who wants a job or job training under the \$5 billion Job Training Partnership Act must be registered with the Selective Service. An individual who wants Federal student assistance must be registered with the Selective Service. Now I am requesting individuals who want Government or defense related employment to be registered. These are logical extensions to my earlier efforts.

In 1984 the Supreme Court of the United States, in a 6 to 2 decision, ruled that the original Solomon amendment was constitutional. The two amendments I will offer are crafted in a similar manner. I am hopeful that we can avoid any unnecessary debate concerning the constitutionality of this legislation. With respect to bills of attainder and an individual's fifth amendment rights, the Supreme Court stated in *Selective Service versus Minnesota Public Interest Research Group*, "Section 1113 imposes none of the burdens historically associated with punishment. As this Court held in *Flenning v. Nestor*, 363 U.S. at 617, the sanction is the mere denial of contractual governmental benefit. No affirmative disability or restraint is imposed, and Congress has inflicted nothing approaching the infamous punishment of imprisonment or other disabilities historically associated with punishment.

Congress did not even deprive appellees of title IV benefits permanently; appellees can become eligible for Title IV aid at any time simply by registering late and thus "carry the keys of their prison in their own pockets." *Shillitani v. United States*, 384 U.S. 364, 368 (1966). A statute that leaves open perpetually the possibility of qualifying for aid does not fall within the historical meaning of forbidden legislative punishment.

With respect to individuals' rights under the fifth amendment the court stated:

E 2636

CONGRESSIONAL RECORD — Extensions of Remarks

June 6, 1985

However, a person who has not registered clearly is under no compulsion to seek financial aid; if he has not registered, he is simply ineligible for aid. Since a nonregistrant is bound to know that his application for federal aid would be denied, he is in no sense under any "compulsion" to seek that aid. He has no reason to make any statement to anyone as to whether or not he has registered.

My amendments leave open the possibility of qualifying for employment simply by registering and certainly no one is under any compulsion to seek this type of employment.

I hope that the over 300 Members of this body which voted in favor of the original Solomon amendment will continue and which have supported these actions on several occasions will continue to support my efforts to maintain an effective and fair peacetime registration program.●

PENSION PLAN PARITY FOR THE SELF-EMPLOYED

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. JEFFORDS. Mr. Speaker, today my colleague, BILL CLAY, and I are introducing legislation of a technical nature to complete the process begun in 1982 to eliminate distinctions in the pension law between qualified plans for the self-employed and their employees—H.R. 10 plans—and the plans maintained by corporations. Generally, our bill extends the principle of parity embraced under TEFRA—the Tax Equity and Fiscal Responsibility Act of 1982—to the one area overlooked in that legislation; that is, to loans made to plan participants under H.R. 10 or so-called Keough plans.

In making the 1982 changes, Congress believed that the level of tax incentives made available to encourage an employer to provide retirement benefits to employees should generally not depend upon whether the employer is an incorporated or unincorporated enterprise. Similarly, Congress believed that the rules needed to assure that the tax incentives available under qualified plans are not abused should generally apply without regard to whether the employer maintaining the plan is incorporated or unincorporated.

By amending section 4975(d) of the Internal Revenue Code and section 408(d) of ERISA—the Employee Retirement Income Security Act of 1974—to permit certain participant loans, our bill removes the major remaining impediment to full pension plan parity for the self-employed. Specifically under present law a qualified corporate plan is permitted to make a loan to a plan participant if certain requirements are met. Generally, the loan must bear a reasonable rate of interest, be adequately secured, provide a reasonable repayment schedule, and

be made available on a basis which does not discriminate in favor of employees who are officers, shareholders, or highly compensated. The technical amendments under the bill would extend the identical corporate plan requirements with respect to participant loans to the plans maintained by the self-employed. Given the corrective nature of these amendments, we anticipate these changes to be taken up this year in the context of technical corrections to the appropriate statutory law.●

ADVO SYSTEMS' NATIONAL CAMPAIGN TO LOCATE MISSING CHILDREN

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. LELAND. Mr. Speaker, it is with great pleasure and gratification that I announce today that Michael and Pamela Mayfield, two children from my district who have been missing since January of this year, will be the second and third children featured in ADVO Systems Inc. national campaign to help locate missing children. The children's picture will be featured on ADVO's mailing for the weeks of the 10th and 17th of June.

ADVO System, Inc., a major direct mail operation, introduced this unique campaign in late May to provide assistance in locating missing children. Each week ADVO's address cards, whose mailings reach 40 to 50 million households, will feature a photograph of a missing child along with vital statistics concerning the children and a toll free number for the Center for Missing and Exploited Children. ADVO's campaign is working closely with the center in an effort to create a heightened awareness of this tragic problem. These cards will serve as a reference and a constant reminder of the need for people to actively participate in locating missing children.

I am pleased that ADVO Systems, Inc. has selected Michael and Pamela Mayfield to be featured in their campaign. Michael who is 6 years old and his sister Pamela who is 5, were last seen walking home from school together on January 10, 1985. Nothing is known of their whereabouts since that tragic day in January. For the families, a missing child is a tragic occurrence but for the Mayfield's theirs is particularly distressing. Here is a family whose lives have been completely devastated because not one but both of their children are missing. We offer our sympathy and can only speculate about the worry, fears, and frustrations this family is having to endure. We are all hopeful that this effort by ADVO Systems, Inc. will be successful and that Michael and Pamela will be located and returned to their home and the agonizing ordeal for them and their family will end.

The promise of a happy ending for families such as the Mayfield's can be realized if everyone actively participates in ADVO System's campaign. Their efforts on behalf of missing children deserve our assistance. ADVO's address cards should be kept handy for easy reference and I encourage all Houstonians, as well as everyone across the country, to make a conscious effort to review the photo and information. It is very important that any information be immediately reported to the toll free number displayed on the card.

I would like to commend the laudable efforts of ADVO Systems, Inc. and its president, William McConnell for providing everyone the opportunity to participate and aid in the search for our missing children. They are to be congratulated for sharing their resources in this worthy and necessary effort. ADVO Systems has exhibited a sense of corporate and civic responsibility that is a model for others to follow as we attempt to combat the ever increasing and tragic problem of missing children.●

BE CAREFUL OF LEGISLATION TO EXTEND MASSIVE TAX BREAKS TO ALTERNATIVE ENERGY INDUSTRIES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. STARK. Mr. Speaker, at the end of 1985 the extra 15 percent in investment tax credits for alternative energy are due to expire. Many Members are urging that they be continued.

I would urge my colleagues to be careful. There are some truly dedicated people in this business—and there are some roaring crooks. The following articles describe some of the recent law enforcement actions against the tax rip-off artists who have invaded the scene. Before throwing more billions of dollars at this industry, we need to separate the wolves from the sheep.

The articles follow:

TAX SHELTERS: SUIT AGAINST SOLAR EQUIPMENT PROMOTERS ALLEGES \$78 MILLION POTENTIAL TAX LOSS

(From the Bureau of National Affairs)

A suit filed June 3 against the California promoters of a tax shelter scheme involving the sale of overvalued solar energy equipment to take advantage of investment tax credits and federal and state energy tax credits could have cost the government more than \$78 million, according to the Justice Department.

The civil suit, filed in the U.S. District Court in San Francisco, claims the defendants took advantage of federal and state laws by operating "the type of fraud commonly referred to as a 'Ponzi scheme,'" in which money returned to investors is derived, not from any real business activity,

June 6, 1985

CONGRESSIONAL RECORD — Extensions of Remarks

E 2637

but from cash paid in by subsequent investors, Justice said.

Justice named as defendants in the case the United Energy Corp., Renewable Power Corp., United Financial Corp., and officials of these firms, Ernest P. Lampert, Delphine Lampert, and John P. Thorne, all of Foster City, Calif., and Robert J. Burns of Claxton, Calif.

The tax shelter program, marketed by United Energy Corp., involved the sale of overvalued solar "power modules," which consisted of platforms mounted with parabolic mirrors or optic lenses designed to reflect sunlight onto power heads containing photovoltaic power cells to convert sunlight into electricity, the suit alleged. The modules also would allegedly produce thermal energy as a result of the need for a water circulation system to continually pump water through the devices to cool the photovoltaic cells and prevent them from burning up, Justice alleged.

Purchasers of the modules were encouraged to sign "power sales agreements" with Renewable Power Corp., the operator of "solar farms" in which the modules were installed by United Energy, according to the suit.

Under these agreements, Renewable Power Corp. would agree to purchase the electricity and thermal energy generated by the solar modules from the investor/owner. The solar energy purchased from the investors is purportedly to be sold to public utilities under California's cogeneration laws, while the thermal energy is to be used to run ethanol stills on the solar farms, Justice alleged.

The solar farms are substantially non-operational and have produced and sold less than \$400 worth of electricity, although those who bought the modules in 1982, 1983, and 1984 received statements from Renewable Power indicating substantial amounts of power were being produced, Justice continued, noting that investors were paid for the power supposedly generated.

The suit charged that, since a minimal amount of power was actually produced, the source of these payments was the money initially paid to United Energy Corp. by the purchasers, which was then loaned by United Energy Corp. to United Financial Corp. and reloaned by United Financial to Renewable Power Corp., Justice said.

The overvalued solar modules, which were "fraudulently overvalued by at least 20 times," in effect falsely increased the energy and investment tax credits claimed by investors, because these tax breaks are calculated based on the value of the equipment, according to Justice.

The suit alleges that 749 overvalued modules were sold in 1982, with a potential tax loss of \$22.47 million and 1,850 were sold in 1983, with a potential tax loss of \$55.5 million. The number of modules sold in 1984 is not known, Justice said in the suit, although it is believed to be less than in 1983.

A typical investor paid \$14,500 in cash and signed a promissory note for another \$40,000 to purchase the solar modules. In return, the investor was able to claim tax savings of \$10,000 based on the energy tax credit and the investment tax credit, \$10,000 based on the California solar tax credit, and more than \$3,000 from federal and state depreciation deductions, according to Justice.

A taxpayer in the 50 percent tax bracket was able to claim savings of "more than \$23,000 in taxes in the year of purchase alone," the department claimed.

The suit sought to have the defendants permanently enjoined from promoting or selling abusive tax shelters and to require them to submit offering material to the Internal Revenue Service at least 30 days

prior to offering any tax-sheltered or tax-favored investment plan.

[From the Wall Street Journal, May 1985]

ENERGY TAX-SHELTER PLANS OFFERED MUCH—PERHAPS, STATE OFFICIALS ALLEGE, TOO MUCH

(By Anthony M. DeStefano)

NEW YORK.—It seems like a swell idea.

Lease a \$100,000 energy-conservation device for an up-front fee of \$6,500 and take a \$10,000 tax credit. Then have the gadget installed in a building whose owner or manager agrees to share the energy-cost savings—enough to cover subsequent lease payments and possibly leave the investor with some net after-tax cash.

That's a pitch that might impress a lot of people, especially if it were seemingly backed by a favorable report from a major accounting firm. But this one impressed New York state law-enforcement officials, as well. In papers filed in state Supreme Court here as part of a continuing investigation, they say the tax-shelter program is a fraud. The biggest trouble: The \$100,000 energy saver is really worth only \$3,000 or so, state investigators say in court papers.

The plan and two similar programs being probed by New York authorities are among a number of energy-conservation tax shelters coming under legal scrutiny. Since late 1983, the Justice Department has initiated at least six legal actions involving questionable energy shelters, and government lawyers say other investigations are in progress. "I think energy is the scam of the 1980s," says David T. Maguire, a Justice Department tax-fraud lawyer.

A GROWING BUSINESS

So-called shared-savings plans, in which energy-management firms help clients cut energy costs in return for part of the savings, became big business in the early part of the decade. They have continued to grow even though energy costs are no longer rising so painfully.

People in the business say questionable tax shelters are only a small part of a bigger picture. Such schemes detract from the success of hundreds of legitimate energy-service firms, they say. Others, however aren't so sure the abuses are minimal. Some, including Mr. Maguire, say many millions of dollars in tax revenues have been lost in dubious energy shelters.

In New York, the state Supreme Court has issued a restraining order against 58 companies and individuals in connection with a probe by the office of State Attorney General Robert Abrams. Among those under investigation are three energy-management companies that state law enforcers allege took in about \$50 million from tax-shelter investors around the country in 1982 and 1983. Investigators say some people have already been told their tax credits may be disallowed; others are being audited.

The restraining order prohibits the disputed shelters from being offered in New York or from New York to residents of other states. The attorney general's office is also seeking access to company records, and officials say in court papers that evidence they collect may be taken before a grand jury—the procedure in New York for attempting to obtain a criminal indictment.

Two of the energy-management companies—First Energy Leasing Corp., in Smithtown, N.Y., and OEC Leasing Corp., in Garden City, N.Y.—dispute the state investigators' contentions and deny their allegations of wrongdoing. OEC Leasing, which is also contesting charges against it in a suit filed by federal authorities in U.S. District Court in Uniondale, N.Y., has appealed the restraining order.

The third energy-management company—Saxon Energy Corp., in New York City—hadn't as of yesterday filed a response to the state's action. Phone calls to Saxon's offices were answered by an answering service.

Attorney General Abrams's office filed its legal action in mid-1984 as part of a probe that began with a tip from Touche Ross & Co. The big accounting firm had complained to state officials in late 1983 about what it contends was a misuse of a draft report reviewing aspects of shelters sponsored by First Energy Leasing.

Touche Ross maintains that it was hired essentially to check the mathematics of First Energy's tax calculations and that it had insisted that its report wouldn't be used to promote or market shelters. Nevertheless, court papers say, material from the report showed up in promotional literature given to prospective investors.

The accounting firm has become a defendant in a recent class action brought by two First Energy shelter investors. They allege that a Touche Ross partner, Eric H. Hananel, favorably discussed the shelters on a cable television program of which they saw a videotape. Touche Ross says Mr. Hananel did appear in a videotape that was to be released only after the accounting firm approved it—which the firm says it never did.

Until it was stopped by the restraining order, the plan is said by state investigators in court papers to have worked like this: First Energy leased to investors sophisticated on-off switches that were supposed to reduce electrical costs by controlling electricity according to a set schedule. The company told investors it would arrange to have a service firm place and maintain the devices in commercial buildings where owners or managers agreed to pay investors 50% of the energy savings. Investors would keep 25% of their shares and pay the other 75% to First Energy to cover the tax-deductible yearly lease charges, which were to be based on the amount of energy savings each year.

First Energy allegedly acquired the switches for \$2,500 each in up-front cash and gave a \$97,500 promissory note for the balance, thus creating the \$100,000 valuation on which a \$10,000 tax credit was claimed. In a legitimate arrangement, the state investigators say, the 10% federal tax credit could be passed on to lessees. But they assert in court papers that the fair-market value of the devices is actually about \$3,000.

INSTALLATION QUESTIONS

State law enforcers say it is unclear how many of the energy-saving devices were actually installed. They say some of those that were installed were out-dated, and energy savings were insignificant; in some cases owners or managers who agreed to have the devices installed are said to have told investigators the switches were never connected.

"The investment tax credit appears to be the most significant financial advantage for investors to participate in the program," Mark Tepper, an assistant state attorney general, says in papers filed with the court. "If you strip away deductions and tax credits, very few people would find it attractive."

Irving Seidman, an attorney for First Energy, says that allegations against the company aren't accurate and that First Energy is vigorously disputing them. Elliot Silverman, an attorney for OEC Leasing, says OEC denies overvaluing its equipment or making any false statements. Mr. Silverman, who is with the firm of Kostelanetz & Ritholz, says OEC is challenging the jurisdiction of state investigators, but is ready to

E 2638**CONGRESSIONAL RECORD — Extensions of Remarks***June 6, 1985*

have experts explain how the valuation of the energy-saving switch was properly based.

Meanwhile, federal authorities say solar-energy tax shelters that may be similar to the New York programs have cropped up in the Southwest and elsewhere. Says Carolyn Parr, a Justice Department lawyer: "We are always a little bit behind the promoters." ●

LAWS RELATIVE TO THE PRINTING OF DOCUMENTS

Either House may order the printing of a document not already provided for by law, but only when the same shall be accompanied by an estimate from the Public Printer as to the probable cost thereof. Any executive department, bureau, board or independent office of the Government submitting reports or documents in response to inquiries from Congress shall submit therewith an es-

timate of the probable cost of printing the usual number. Nothing in this section relating to estimate shall apply to reports or documents not exceeding 50 pages (U.S. Code, title 44, sec. 716).

Resolution for printing extra copies, when presented to either House, shall be referred immediately to the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, who in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer, and no extra copies shall be Printed before such committee has reported (U.S. Code, title 44, sec. 703).

GOVERNMENT PUBLICATIONS FOR SALE

Additional copies of Government publications are offered for sale to the public by the

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CONGRESSIONAL RECORD

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UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

(Washington, D.C. 20001, Phone 426-7182)

Spottswood W. Robinson III—Chief Judge

Circuit Judges

James Skelly Wright	Abner J. Mikva
Edward Allen Tamm	Harry T. Edwards
George E. MacKinnon	Ruth Bader Ginsberg
Malcolm R. Wilkey	Robert Heron Bork
Patricia McGowan Wald	Antonin Scalia

Senior Circuit Judges

David L. Bazelon	Carl McGowan
John Anthony Danaher	Roger Robb

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

(National Courts Building, 717 Madison Place NW., Phone 633-6550)

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Judge—Daniel M. Friedman, of New York, 3249 Newark St., NW. 20008.

Judge—Giles S. Rich, of New York, 4949 Linnean Ave., NW. 20008.

Judge—Oscar H. Davis, of New York, 1101 Third St., SW. 20024.

Judge—Philip Nichols, Jr., of Massachusetts, 2801 New Mexico Ave., NW. 20007.

Judge—Phillip B. Baldwin, of Texas, Route 1, Box 407, Avinger, Tex. 75630.

Judge—Shiro Kashiwa, of Hawaii, 2510 Virginia Ave., NW. (Watergate East) 20037.

Judge—Marion T. Bennett, of Maryland, 3715 Car diff Rd., Chevy Chase, Md. 20815.

Judge—Jack R. Miller, of Iowa, 5417 Kirkwood Dr., Bethesda, Md. 20816.

Judge—Edward S. Smith, of Maryland, 3708 Taylor St., Chevy Chase, Md. 20815.

Judge—Helen W. Nies, of Maryland, 6604 Rivercrest Ct., Bethesda, Md. 20816.

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District of Columbia

(Washington, D.C. 20001, Phone 535-3515)

Chief Judge Aubrey E. Robinson, Jr.

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June L. Green	Joyce Hens Green
Barrington D. Parker	Norma Holloway Johnson
Charles R. Richey	Thomas Penfield Jackson
Thomas A. Flannery	Thomas Francis Hogan
Louis F. Oberdorfer	

U.S. COURT OF MILITARY APPEALS

(Fifth and E Streets NW., Phone 693-7100)

Chief Judge	Robinson O. Everett
Judge	Walter T. Cox III
Judge	Albert B. Fletcher, Jr.

Laws and Rules for Publication of the Congressional Record

CODE OF LAWS OF THE UNITED STATES

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TITLE 44, SECTION 904. CONGRESSIONAL RECORD: MAPS; DIAGRAMS; ILLUSTRATIONS.—Maps, diagrams, or illustrations may not be inserted in the RECORD without the approval of the Joint Committee on Printing. (Oct. 22, 1968, c. 9, 82 Stat. 1256.)

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2. **Type and style.**—The Public Printer shall print the report of the proceedings and debates of the Senate and House of Representatives, as furnished by the official reporters of the CONGRESSIONAL RECORD, in 8-point type; and all matter included in the remarks or speeches of Members of Congress, other than their own words, and all reports, documents, and other matter authorized to be inserted in the CONGRESSIONAL RECORD shall be printed in 7-point type; and all rollcalls shall be printed in 6-point type. No italic or black type nor words in capitals or small capitals shall be used for emphasis or prominence; nor will unusual indentions be permitted. These restrictions do not apply to the printing of quotations from historical, official, or legal documents or papers of which a literal reproduction is necessary.

3. Only as an aid in distinguishing the manner of delivery in order to contribute to the historical accuracy of the RECORD, statements or insertions in the RECORD where no part of them was spoken will be preceded and followed by a "bullet" symbol, i.e., •.

4. **Return of manuscript.**—When manuscript is submitted to Members for revision it should be returned to the Government Printing Office not later than 9 o'clock p.m. in order to insure publication in the CONGRESSIONAL RECORD issued on the following morning; and if all of the manuscript is not furnished at the time specified, the Public Printer is authorized to withhold it from the CONGRESSIONAL RECORD for 1 day. In no case will a speech be printed in the CONGRESSIONAL RECORD of the day of its delivery if the manuscript is furnished later than 12 o'clock midnight.

5. **Tabular matter.**—The manuscript of speeches containing tabular statements to be published in the CONGRESSIONAL RECORD shall be in the hands of the Public Printer not later than 7 o'clock p.m., to insure publication the following morning. When possible, manuscript copy for tabular matter should be sent to the Government Printing Office 2 or more days in advance of the date of publication in the CONGRESSIONAL RECORD. Proof will be furnished promptly to the Member of Congress to be submitted by him instead of manuscript copy when he offers it for publication in the CONGRESSIONAL RECORD.

6. **Proof furnished.**—Proofs or "leave to print" and advance speeches will not be furnished the day the manuscript is received but will be submitted the following day, whenever possible to do so without causing delay in the publication of the regular proceedings of Congress. Advance speeches shall be set in the CONGRESSIONAL RECORD style of type, and not more than six sets of proofs may be furnished to Members without charge.

7. **Notation of withheld remarks.**—If manuscript or proofs have not been returned in time for publication in the proceedings, the Public Printer will insert the words "Mr. — addressed the Senate (House or Committee). His remarks will appear hereafter in Extensions of Remarks" and proceed with the printing of the CONGRESSIONAL RECORD.

8. **Thirty-day limit.**—The Public Printer shall not publish in the CONGRESSIONAL RECORD any speech or extension of remarks which has been withheld for a period exceeding 30 calendar days from the date when its printing was authorized: *Provided*, That at the expiration of each session of Congress the time limit herein fixed shall be 10 days, unless otherwise ordered by the committee.

9. **Corrections.**—The permanent CONGRESSIONAL RECORD is made up for printing and binding 30 days after each daily publication is issued; therefore all corrections must be sent to the Public Printer within that time: *Provided*, That upon the final adjournment of each session of Congress the time limit shall be 10 days, unless otherwise ordered by the committee: *Provided further*, That no Member of Congress shall be entitled to make more than one revision. Any revision shall consist only of corrections of the original copy and shall not include deletions of correct material, substitutions for correct material, or additions of new subject matter.

10. The Public Printer shall not publish in the CONGRESSIONAL RECORD the full report or print of any committee or subcommittee when the report or print has been previously printed. This rule shall not be construed to apply to conference reports. However, inasmuch as House of Representatives Rule XXVIII, Section 912, provides that conference reports be printed in the daily edition of the CONGRESSIONAL RECORD, they shall not be printed therein a second time.

11. **Makeup of the Extensions of Remarks.**—Extensions of Remarks in the CONGRESSIONAL RECORD shall be made up by successively taking first an extension from the copy submitted by the official reporters of one House and then an extension from the copy of the other House, so that Senate and House extensions appear alternately as far as possible. The sequence for each House shall follow as closely as possible the order or arrangement in which the copy comes from the official reporters of the respective Houses.

The official reporters of each House shall designate and distinctly mark the lead item among their extensions. When both Houses are in session and submit extensions, the lead item shall be changed from one House to the other in alternate issues, with the indicated lead item of the other House appearing in second place. When only one House is in session, the lead item shall be an extension submitted by a Member of the House in session. This rule shall not apply to CONGRESSIONAL RECORDS printed after the sine die adjournment of the Congress.

12. **Official reporters.**—The official reporters of each House shall indicate on the manuscript and prepare headings for all matter to be printed in Extensions of Remarks and shall make suitable reference thereto at the proper place in the proceedings.

13. **Two-page rule—Cost estimate from Public Printer.**—(1) No extraneous matter in excess of two printed RECORD pages, whether printed in its entirety in one daily issue or in two or more parts in one or more issues, shall be printed in the CONGRESSIONAL RECORD unless the Member announces, coincident with the request for leave to print or extend, the estimate in writing from the Public Printer of the probable cost of publishing the same. (2) No extraneous matter shall be printed in the House proceedings or the Senate proceedings, with the following exceptions: (a) Excerpts from letters, telegrams, or articles presented in connection with a speech delivered in the course of debate; (b) communications from State legislatures; (c) addresses or articles by the President and the Members of his Cabinet, the Vice President, or a Member of Congress. (3) The official reporters of the House or Senate or the Public Printer shall return to the Member of the respective House any matter submitted for the CONGRESSIONAL RECORD which is in contravention of these provisions.

SENATE SUPPLEMENT TO "LAWS AND RULES FOR PUBLICATION OF THE CONGRESSIONAL RECORD"—EFFECTIVE FEBRUARY 10, 1970

1. Statements brought to the Chamber for insertion in the body of the RECORD will be accepted at

the desk by the Legislative Clerk when presented only by a Senator himself. The statements will be reviewed by the Parliamentarian and the Chief of Official Reporters of the Senate for compliance with the rules and traditions of the Senate.

2. All such statements will thereafter be printed in the body of the RECORD, but shall first be gathered editorially by the Chief of Official Reporters in that section of the daily CONGRESSIONAL RECORD normally reserved for the transaction of morning business under a separate heading, "Additional Statements."

3. Statements may be printed at other locations in the RECORD only when, in accordance with the editorial judgment of the Chief of Official Reporters, it is essential to do so in the interest of continuity and germaneness.

4. Statements which may be presented at the desk so late in the day as to have no sequential relationship to the morning business, shall be held over for the next day's printing, on advice to the presenting Senator, or alternatively go, with his consent, into the "Extensions of Remarks" section of the RECORD.

5. All statements accepted under paragraphs (1) to (4), inclusive, shall be printed in 8-point type, except those parts which, while intrinsic, are insertions of themselves, such as editorials, letters and telegrams, newspaper and magazine articles, statistics, citations, quotations, speeches, and other papers. These shall continue to be printed in 7-point type.

HOUSE SUPPLEMENT TO "LAWS AND RULES FOR PUBLICATION OF THE CONGRESSIONAL RECORD"—EFFECTIVE MARCH 10, 1980

1. **Extensions of Remarks in the daily Congressional Record.**—When the House has granted leave to print (1) a newspaper or magazine article, or (2) any other matter not germane to the proceedings, it shall be published under Extensions of Remarks. This rule shall not apply to quotations which form part of a speech of a Member, or to an authorized extension of his own remarks: *Provided*, That no address, speech, or article delivered or released subsequently to the sine die adjournment of a session of Congress may be printed in the CONGRESSIONAL RECORD. One-minute speeches delivered during the morning business of Congress shall not exceed 300 words. Statements exceeding this will be printed following the business of the day.

2. Any extraneous matter included in any statement by a Member, either under the 1-minute rule or permission granted to extend at this point, will be printed in the "Extensions of Remarks" section, and that such material will be duly noted in the Member's statement as appearing therein.

3. Under the general leave request by the floor manager of specific legislation only matter pertaining to such legislation will be included as per the request. This, of course, will include tables and charts pertinent to the same, but not newspaper clippings and editorials.

4. In the makeup of the portion of the RECORD entitled "Extensions of Remarks," the Public Printer shall withhold any Extensions of Remarks which exceed economical press fill or exceed production limitations. Extensions withheld for such reasons will be printed in succeeding issues, at the direction of the Public Printer, so that more uniform daily issues may be the end result and, in this way, when both Houses have a short session the makeup would be in a sense made easier so as to comply with daily proceedings, which might run extremely heavy at times.

5. The request for a Member to extend his or her remarks in the body of the RECORD must be granted to the individual whose remarks are to be inserted.

6. All statements for "Extensions of Remarks," as well as copy for the body of the CONGRESSIONAL RECORD must be submitted on the Floor of the House to the Official Reporters of Debates and must carry the actual signature of the Member. Extensions of Remarks will be accepted up to 15 minutes after adjournment of the House. To insure printing in that day's proceedings, debate transcript still out for revision must be returned to the Office of Official Reporters of Debates, Room H-134, the Capitol, (1) by 5 p.m., or 2 hours following adjournment, whichever occurs later; or (2) within 30 minutes following adjournment when the House adjourns at 11 p.m., or later.

Wednesday, June 5, 1985

Daily Digest

HIGHLIGHTS

Senate passed Defense Authorizations for FY 1986.

House passed anti-apartheid bill.

Senate

Chamber Action

Routine Proceedings, pages S7523-S7574

Measures Introduced: Ten bills were introduced, as follows: S. 1238-1247. Page 57459

Measures Passed:

Maritime Programs Authorizations: Senate passed S. 679, authorizing the appropriations of funds for certain maritime programs for fiscal year 1986, after agreeing to a committee amendment in the nature of a substitute. Page 57481

Department of Defense Authorizations, FY 1986: By 92 yeas to 3 nays (Vote No. 106), Senate passed S. 1160, to authorize appropriations for the military functions of the Department of Defense, and to prescribe personnel levels for the Department of Defense for fiscal year 1986, to authorize certain construction at military installations for such fiscal year, and to authorize appropriations for the Department of Energy for national security programs for such fiscal year, after taking action on additional amendments proposed thereto, as follows: Pages 57473, 57523

Adopted:

(1) Levin Amendment No. 265, of a technical and clarifying nature. Page 57478

(2) Goldwater* Amendment No. 266, specifying the purposes for which funds may be transferred from prior year appropriations and correcting an error in the amount authorized for the Marine Corps Reserve. Page 57482

(3) By 90 yeas to 5 nays (Vote No. 105), Bumpers modified Amendment No. 267, expressing support for the President's no-undercut policy concerning existing strategic offensive arms agreements. Page 57506

Senate tabled a motion to reconsider the vote (Vote No. 104) by which the Senate earlier tabled Bumpers-Levin Amendment No. 261, to express the sense of the Senate that there should be established a Strategic Defense Advisory Panel. Page 57474

Military Construction Authorizations for FY 1986: Senate passed S. 1042, authorizing funds for certain construction at military installations for fiscal year 1986, after striking all after the enacting clause and inserting in lieu thereof the text of Division B of S. 1160, as amended and passed above. Page 57563

National Security Programs Authorizations for FY 1986: Senate passed S. 1043, authorizing funds for the Department of Energy for national security programs for fiscal year 1986, after striking all after the enacting clause and inserting in lieu thereof the text of Division C of S. 1160, as amended and passed above. Page 57572

Indefinitely Postponed:

Repeal of Contemporaneous Recordkeeping Requirements: Senate indefinitely postponed S. 245, to amend the Internal Revenue Code of 1954 to repeal the requirement that contemporaneous records be kept to substantiate certain deductions and credits. Page 57481

Nominations Received: Senate received the following nominations:

Alex Kozinski, of California, to be United States Circuit Judge for the Ninth Circuit.

James D. Todd, to be United States District Judge for the Western District of Tennessee.

Richard V. Wiebusch, to be United States Attorney for the District of New Hampshire.

Larry J. Stubbs, to be United States Marshal for the Southern District of Georgia.

C. Bruce Smart, Jr., of Connecticut, to be Under Secretary of Commerce for International Trade.

John W. Bode, of Oklahoma, to be an Assistant Secretary of Agriculture.

John R. Norton III, of Arizona, and Robert L. Thompson, of Indiana, each to be a Member of the Board of Directors of the Commodity Credit Corporation.

Allie C. Felder, Jr., of the District of Columbia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

D 623

D 624

CONGRESSIONAL RECORD — DAILY DIGEST

June 5, 1985

Dwight A. Ink, of Maryland, to be an Assistant Administrator of the Agency for International Development.

1 Air Force nomination in the rank of general.

Routine lists of Navy and Air Force nominations.
Page S7521

Nominations Confirmed: Senate confirmed the following nominations:

Paul A. Adams, of Maryland, to be Inspector General, Department of Housing and Urban Development.

Donald S. Lowitz, of Illinois, for the rank of Ambassador while serving as the United States Representative to the Conference on Disarmament.

George S. Vest of Maryland, to be Director General of the Foreign Service.

Robert D. Blackwill, of Maryland, for the rank of Ambassador during the tenure of his service as the Representative of the United States for Mutual and Balanced Force Reductions Negotiations.

Abraham D. Sofaer, of New York, to be Legal Adviser of the Department of State.

William A. Brown, of New Hampshire, to be Ambassador to the Kingdom of Thailand.

Ernest Eugene Pell, of Maryland, to be an Associate Director of the United States Information Agency.
Page S7522

Messages From the President: Page S7458

Messages From the House: Page S7458

Measures Ordered Placed on Calendar: Page S7458

Communications: Page S7458

Statements on Introduced Bills: Page S7459

Additional Cosponsors: Page S7466

Amendments Submitted: Page S7467

Notices of Hearings: Page S7469

Committee Authority To Meet: Page S7470

Additional Statements: Page S7470

Record Votes: Two record votes were taken today. (Total—106) Pages S7513, S7521

Recess: Senate convened at 9 a.m., and recessed at 8:48 p.m., until 10:30 a.m., on Thursday, June 6, 1985. (For Senate's program, see the remarks of Senator Dole in today's Record on page S7521.)

Committee Meetings

(Committees not listed did not meet)

FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee continued markup of S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs; and related

measures, but did not complete action thereon, and will meet again tomorrow.

ACCESS TO SPACE

Committee on Appropriations: Subcommittee on HUD-Independent Agencies concludes closed hearings on a reprogramming request for certain space launch vehicles, after receiving testimony from Jesse W. Moore, Associate Administrator for the Office of Space Flight, National Air and Space Administration; and Edward C. Aldridge, Jr., Under Secretary of the Air Force.

BROKERED DEPOSITS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions and Consumer Affairs concluded oversight hearings on issues limiting insurance on brokered deposits, after receiving testimony from William M. Isaac, Chairman, Federal Deposit Insurance Corporation; Edwin J. Gray, Chairman, Federal Home Loan Bank Board; Susan Kelsey, Dean Witter Financial Services, and Emanuel J. Falzon, Merrill Lynch Money Markets, Inc., both of Washington, D.C.; Jorge Coloma, FAIC Securities, Inc., Miami, Florida; and Bill Goldsmith, Professional Asset Securities, Inc., Del Mar, California.

NOMINATION

Committee on Finance: Committee concluded hearings on the nomination of Robert M. Kimmitt, of Virginia, to be General Counsel of the Department of the Treasury, after the nominee, who was introduced by Senator Warner, testified and answered questions in his own behalf.

Committee will consider the nomination on tomorrow.

TAX REFORM ACT/TECHNICAL CORRECTIONS

Committee on Finance: Committee concluded hearings on S. 814, to make technical corrections to certain provisions of the Tax Reform Act of 1984, and proposed technical corrections to the Retirement Equity Act (P.L. 98-397), after receiving testimony from Roger Mentz, Deputy Assistant Secretary of the Treasury for Tax Policy; Daniel C. Maclean, Dreyfus Corporation, Russell Barnes, Pan Am World Services, Inc., and Dennis J. Kenny, Transamerica, Interway, Inc., all of New York, New York; Martin D. Ginsburg, Georgetown University Law Center, Mac Asbill, Jr., Sutherland, Asbill & Brennan, Martin D. Wood, National Rural Electric Cooperative Association, Marjorie A. O'Connell, O'Connell & Kittrell, William W. Chip, Employers Council on Flexible Compensation, E.E. Edwards, American Bar Association, all of Washington, D.C.; Russell C. Shaw, Thompson, Hine & Flory, Cleveland, Ohio; James Carter, ICI Americas, Inc., Wilmington, Dela-

June 5, 1985

CONGRESSIONAL RECORD — DAILY DIGEST

D 625

ware; Morton H. Zalutsky, Klarquist and Johnson, Portland, Oregon; Donald W. Milroy, Sky Chefs, Arlington, Texas; Jack Greenberg, IU International, Philadelphia, Pennsylvania; and Roger L. Heymann, Heymann, Loeb & Cohen, Rockville, Maryland.

NOMINATION

Committee on Governmental Affairs: Committee resumes hearings on the nomination of Donald J. Devine, of Maryland, to be Director of the Office of Personnel Management, receiving testimony from Dennis M. Devaney, Member, Merit Systems Protection Board; Loretta Cornelius, Acting Director, Joseph A. Morris, General Counsel, and William M. Hunt, Associate Director for Administration, all of the Office of Personnel Management; and Harry R. Van Cleve, General Counsel, Henry Wray, Associate General Counsel, and Michael Volpe, Attorney, Office of General Counsel, all of the U.S. General Accounting Office.

Hearings continue tomorrow.

NOMINATION

Committee on the Judiciary: Committee concluded hearings on the nomination of William B. Reynolds, of Maryland, to be Associate Attorney General, Department of Justice, after the nominee testified and answered further questions in his own behalf. Testimony was also received on the nomination from Representative Schroeder; Phil Neal, Freedman & Coven, Chicago, Illinois; James Blumstein, Vanderbilt University, Nashville, Tennessee; Mark DeBernardo, U.S. Chamber of Commerce, Paul Camenar, Washington Legal Foundation, Robert Kapp, Lawyers Committee for Civil Rights Under Law, Benjamin Hooks, Leadership Conference on Civil Rights, William Taylor, Center for National Policy Review, Judy Goldsmith, National Organization for Women, Inc., Richard P. Fajardo, Mexican American Legal Defense and Educational Fund (MALDEF), Kathy Wilson, National Women's Political Caucus, Robert B. Kliesmet, International Union of Police Administrations, Susan M. Liss, Judicial Selection Project, Lani Guinier, and Phyllis McClure, both of the NAACP Legal Defense and Education Fund, Robert Dinerstein, Criminal Justice Clinic, American Uni-

versity College of Law, Judith Lichtman, Women's Legal Defense Fund, Martin Sloane, National Committee Against Discrimination in Housing, Elliot Mineberg, Washington Council of Lawyers, Anthony Podesta, People for the American Way, Ralph Neas, Leadership Conference on Civil Rights, and Ron Walters, Howard University, all of Washington, D.C.; Roy Innis, Congress on Racial Equality, John Jacob, National Urban League, David Zwiebel, Agudath Israel of America, Esmerelda Simmons, State of New York Division of Human Rights, and Laura Blackburne, New York State Conference, NAACP, all of New York, New York; William Van Alstyne, Duke University School of Law, Durham, North Carolina; Alvin Sykes, American Justice Campaign, St. Louis, Missouri; Lorenzo Trevino, American G.I. Forum, Los Angeles, California; William Quigley, New Orleans, Louisiana; John England, Selma, Alabama; Marianne Becker, Tulsa, Oklahoma; Gordon Graham, Birmingham, Alabama; and Ronald Hampton, National Black Police Association, Philadelphia, Pennsylvania.

DRUG EXPORT REFORM

Committee on Labor and Human Resources: Committee concluded hearings on proposed legislation to amend the Federal Food, Drug and Cosmetic Act to authorize the export of new drugs and biologicals not yet approved in the United States to countries that have approved them, after receiving testimony from Frank E. Young, Commissioner of Food and Drugs, Food and Drug Administration, Public Health Service, Department of Health and Human Services; Gerald J. Mossinghoff, Pharmaceutical Manufacturers Association, Tim Hart, Association of Biotechnology Companies, C. Payne Lucas, and Alan Alemian, both of Africare, and Sidney M. Wolfe, and Nancy Drabble, both of Public Citizens Congress Watch, Health Research Group, all of Washington, D.C.; David Sharrock, and Robert Ingram, both of Merrell Dow Pharmaceuticals, Cincinnati, Ohio; Robert A. Swanson, Genentech, Inc., San Francisco, California; Paulo Machado, Sao Paulo, Brazil, former Health Minister of Brazil; and Humphrey Taylor, Lou Harris and Associates, Inc., New York, New York.

House of Representatives

Chamber Action

Bills Introduced: 14 public bills, H.R. 2667-2680; 2 private bills, H.R. 2681-2682; 11 resolutions, H.J. Res. 305-307, H. Con. Res. 159 and 160, and H. Res. 185-190 were introduced.

Page H3877

Bills Reported: Reports were filed as follows:

H. Res. 186, waiving certain points of order against consideration of H.R. 2577, making supplemental appropriations for the fiscal year ending September 30, 1985 (H. Rept. 99-160); and

D 626

CONGRESSIONAL RECORD — DAILY DIGEST

June 5, 1985

H.R. 2370, to amend the Public Health Service Act to extend the programs of assistance for nurse education, amended (H. Rept. 99-161). **Page H3877**

Subcommittees To Sit: Subcommittee on Surface Transportation of the Committee on Public Works and Transportation received permission to sit today during proceedings of the House under the 5-minute rule; and **Page H3813**

Subcommittee on Aviation of the Committee on Public Works and Transportation received permission to sit during proceedings of the House under the 5-minute rule on Thursday, June 6. **Page H3813**

Recess: It was made in order for the Speaker to declare recesses subject to the call of the Chair at any time on Thursday, June 13. **Page H3813**

Committee Election: House agreed to H. Res. 185, electing Representative Bryant to the Committee on the Judiciary. **Page H3816**

Anti-Apartheid Act: By a yea-and-nay vote of 295 yeas to 127 nays, Roll No. 141, the House passed H.R. 1460, to express the opposition of the United States to the system of apartheid in South Africa. **Page H3816**

By a yea-and-nay vote of 139 yeas to 282 nays, Roll No. 140, rejected a motion to recommit the bill to the Committee on Foreign Affairs with instructions that it be reported back to the House forthwith containing an amendment that sought to prohibit the provisions of the Act from taking effect for one year, or from taking effect if the President certifies to the Congress that the African National Congress has not renounced the use of violence. **Page H3853**

Agreed to the Committee amendment in the nature of a substitute. **Page H3848**

Rejected:

An amendment in the nature of a substitute that sought to establish a United States Commission on South Africa to examine South Africa's progress toward the elimination of apartheid; require United States businesses to comply with fair employment practices ("Sullivan Principles"); and authorize funds to support black and other nonwhite concerns and development (rejected by a recorded vote of 108 ayes to 310 noes, Roll No. 137); **Page H3825**

An amendment in the nature of a substitute that sought to establish fair business standards ("Sullivan Principles"), with up to a \$1 million fine and/or 2-year imprisonment for noncompliance; impose economic sanctions within 2 years of enactment if certifiable progress toward ending apartheid has not been made; authorize \$15 million in funds for education and teacher training, and \$1.5 million in funds for human rights; and establish a United States South Africa Commission (rejected by a recorded vote of 112 ayes to 313 noes, Roll No. 138); and **Page H3837**

An amendment in the nature of a substitute that sought to prohibit all United States investment in

South Africa; ban importation of Krugerrands and other South African gold coins, deny landing rights to South African aircraft; and prohibit the export of United States goods or technology (rejected by a recorded vote of 77 ayes to 345 noes, with 1 voting "present", Roll No. 139). **Page H3848**

Committee To Sit: Committee on Small Business received permission to sit during proceedings of the House under the 5-minute rule on Thursday, June 6. **Page H3854**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H3879.

Quorum Calls—Votes: Two yea-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H3825, H3837, H3848, H3853. There were no quorum calls.

Adjournment: Met at noon and adjourned at 8:10 p.m.

Committee Meetings

(Committees not listed did not meet)

FEDERAL TIMBER SALES

Committee on Agriculture: Subcommittee on Forests, Family Farms and Energy held a hearing to review the economics of Federal timber sales. Testimony was heard from public witnesses.

Hearings continue tomorrow.

AGRICULTURAL ACT AMENDMENTS

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held a hearing on H.R. 1629, to amend the Agricultural Act of 1949. Testimony was heard from Representatives Rose, Roth, and Martin of New York; Richard A. Smith, Administrator, Foreign Agricultural Service, USDA; and public witnesses.

NONBANK BANK AND REGIONAL COMPACT BANK LEGISLATION

Committee on Banking, Finance and Urban-Affairs: Subcommittee on Financial Institutions Supervision, Regulation and Insurance approved for full Committee action Nonbank Bank and Regional Compact Bank legislation.

HIGHER EDUCATION ACT REAUTHORIZATION

Committee on Education and Labor: Subcommittee Postsecondary Education continued hearings on reauthorization of the Higher Education Act. Testimony was heard from public witnesses.

Hearings continue June 11.

HYDROELECTRIC RELICENSING ISSUES

Committee on Energy and Commerce: Subcommittee on Energy Conservation and Power held a hearing to consider hydroelectric relicensing issues. Testimony

June 5, 1985

CONGRESSIONAL RECORD — DAILY DIGEST

D 627

was heard from Robert K. Dawson, Acting Assistant Secretary of the Army; Fred E. Springer, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Department of Energy; Bill Knapp, Fish and Wildlife Service, Department of the Interior; Yvonne Weber, Office of Federal Activities, EPA; and public witnesses.

FINANCIAL RESTRUCTURING AND TAKEOVER ACTIVITY

Committee on Energy and Commerce: Subcommittee on Telecommunications, Consumer Protection and Finance held a hearing on "Financial Restructuring and Takeover Activity: The Major Policy Issues." Testimony was heard from public witnesses.

DRAFT REPORT

Committee on Government Operations: Subcommittee on Environment, Energy and Natural Resources approved for full Committee action a draft report concerning the Office of Surface Mining.

AMTRAK HANDLING OF MANAGEMENT CRIME

Committee on Government Operations: Subcommittee on Government Activities and Transportation held a hearing on Irregularities in Amtrak Handling of Management Crime. Testimony was heard from public witnesses.

Hearings continue tomorrow.

CONTESTED ELECTION

Committee on House Administration: Task Force on Contested Elections: *Won Pat v. Blaz* heard oral arguments on the pending motion to dismiss.

COMPACT OF FREE ASSOCIATION

Committee on Interior and Insular Affairs: Subcommittee on Public Lands approved for full Committee action amended H.J. Res. 187, to approve the "Compact of Free Association."

HIGHWAY LEGISLATION

Committee on Public Works and Transportation: Subcommittee on Surface Transportation continued hearings on extension of the nation's highway, highway safety, and public transit programs. Testimony was heard from Senators Warner and Tribble; Representatives Olin, Daniel, and Kostmayer; and public witnesses.

IMPLEMENTATION OF THE SURFACE TRANSPORTATION ASSISTANCE ACT

Committee on Small Business: Subcommittee on SBA and SBIC Authority, Minority Enterprise and General Small Business Problems continued hearings on the States implementation of the Surface Transportation Assistance Act of 1982. Testimony was heard from the following officials of the Department of Transportation: Jim J. Marquez, General Counsel; R.A. Barnhart, Administrator, Federal Highway Ad-

ministration; and Ralph Stanley, Administrator, Urban Mass Transportation Administration.

SUPPLEMENTAL APPROPRIATIONS

Committee on Rules: Granted a rule waiving certain points of order and providing procedures during the consideration of H.R. 2577, making supplemental appropriations for the fiscal year ending September 30, 1985.

Waives all points of order against consideration of the bill for failure to comply with the provisions of clause 3, Rule XIII (requiring a Ramseyer in committee report). Waives all points of order against consideration of the bill for failure to comply with the provisions of section 311(a) of the Congressional Budget Act (prohibiting consideration of legislation which would cause the new budget authority or outlay ceilings to be exceeded or the revenue floor to be breached). Waives all points of order against consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act (prohibiting consideration of authorizing legislation not reported by May 15). Waives all points of order against specified provisions in the bill for failure to comply with the provisions of clause 2, Rule XXI (prohibiting unauthorized appropriations or legislative provisions in general appropriation bills, and restricting the offering of limitation amendments to such bills), and clause 6, Rule XXI (prohibiting reappropriations or transfers in a general appropriation bill). Makes in order the following amendments printed in the Record of June 4: (1) an amendment to be offered by Rep. Dorgan of North Dakota, and waives all points of order against the amendment for failure to comply with the provisions of clause 2, Rule XXI and section 311(a) of the Budget Act; (2) an amendment to be offered by Rep. Breaux of Louisiana and waives all points of order against the amendment for failure to comply with the provisions of clause 2, Rule XXI and section 311(a) of the Budget Act; (3) an amendment to be offered by Rep. English of Oklahoma and waives all points of order against the amendment for failure to comply with the provisions of clauses 2 and 6 Rule XXI and section 311(a) of the Budget Act; and (4) an amendment to be offered by Rep. Studds of Massachusetts and waives all points of order against the amendment for failure to comply with the provisions of section 311(a) of the Budget Act. Provides for consideration of an amendment by Rep. Whitten, if a specified portion of the bill is stricken by point of order and waives all points of order against the amendment for failure to comply with the provisions of clauses 2(c) and 6 of Rule XXI and section 311(a) of the Budget Act.

Section 2(a) of the rule provides that after the bill has been read for amendment in its entirety and after the disposition of all other amendments, in-

D 628

CONGRESSIONAL RECORD — DAILY DIGEST

June 5, 1985

cluding any considered pursuant to the procedure specified in clause 2(d) of Rule XXI, it shall be in order to consider the amendments provided for in subsection 2(b) of the rule. A motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall not take precedence over the amendments provided for in subsection (b). If such a motion is offered as preferential over amendments specified in the second sentence of clause 2(d) of Rule XXI, and is adopted, the Committee of the Whole shall not rise but shall proceed to the consideration of the amendments provided for in subsection (b).

Section 2(b) provides that pursuant to subsection (a), it shall be in order to consider the following amendments, which shall be considered in the following order only, which shall be considered as having been read, which shall not be subject to amendment except as specified, which shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and which shall be in order although amending a portion of the bill already passed in the reading of the bill for amendment: (1) the amendment printed in the Congressional Record of June 5, 1985 by Representative Michel of Illinois, if offered by Representative Michel or Representative McDade of Pennsylvania, said amendment shall be debatable for two hours, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, waives all points of order against said amendment for failure to comply with the provisions of clause 7 of Rule XVI, clause 2 of Rule XXI, and section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344), and after debate thereon the amendment shall be subject to the following two amendments: (2) the amendment printed in the Congressional Record of June 5, 1985 by, and if offered by, Representative Boland of Massachusetts, said amendment shall be debatable for one hour, to be equally divided and controlled by Representative Boland and a Member opposed thereto, and waives all points of order against said amendment for failure to comply with the provisions of clause 7 of Rule XVI and clause 2 of Rule XXI; (3) the amendment printed in the Congressional Record of June 5, 1985 by, and if offered by, Representative Gephardt of Missouri, and said amendment shall be debatable for one hour, to be equally divided and controlled by Representative Gephardt and a Member opposed thereto, and waives all points of order against said amendment for failure to comply with the provisions of clause 7 of Rule XVI and clause 2 of Rule XXI; and (4) the amendment to the bill printed in the Congressional Record of June 5, 1985 by, and if offered by, Representative Hamilton of Indiana, said amendment shall

be debatable for one hour, to be equally divided and controlled by Representative Hamilton and a Member opposed thereto, and waives all points of order against said amendment for failure to comply with the provisions of clause 7 of Rule XVI, clauses 2 and 6 of Rule XXI, and section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344). If amendments numbered 1 (as or as not amended) and 4 are both adopted, only amendment numbered 4 shall be considered as having been finally adopted and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met to consider pending business.

TAX REFORM

Committee on Ways and Means: Continued hearings on the President's proposal for comprehensive tax reform. Testimony was heard from Roscoe L. Egger, Jr., Commissioner, IRS, Department of the Treasury; and public witnesses.

Hearings continue June 7.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 6, 1985

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to continue markup of S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures, 10 a.m., SR-328A.

Committee on Appropriations, Subcommittee on District of Columbia, to hold oversight hearings on the prison system, 11:30 a.m., SD-138.

Committee on Banking, Housing, and Urban Affairs, Subcommittee on Securities, to resume hearings to examine corporate takeovers, focusing on securities, financing and other aspects of mergers and acquisitions, 9 a.m., SD-538.

Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, to hold hearings on the in-flight activities of Space Shuttle mission 51-D, 10 a.m., SR-253.

Committee on Energy and Natural Resources, Subcommittee on Natural Resources Development and Production, to hold oversight hearings on the impact of coal imports on the domestic coal industry, 9:30 a.m., SD-366.

Committee on Finance, business meeting, to mark up H.R. 2475, to modify the imputed interest provisions of

June 5, 1985

CONGRESSIONAL RECORD — DAILY DIGEST

D 629

the Deficit Reduction Act of 1984, relating to tax treatment of imputed interest on deferred payments of property, and to consider the nomination of Robert M. Kimmitt, of Virginia, to be General Counsel of the Department of the Treasury, 9:30 a.m., SD-215.

Committee on Governmental Affairs, to continue hearings on the nomination of Donald J. Devine, of Maryland, to be Director of the Office of Personnel Management, 9:30 a.m., SD-342.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD-226.

Committee on Labor and Human Resources, Subcommittee on the Handicapped, business meeting, to mark up S. 415, to clarify the intent of Congress to protect the educational rights of handicapped children, and S. 974, to provide for protection and advocacy for mentally ill persons, 11:15 a.m., SD-430.

Select Committee on Intelligence, closed briefing on intelligence matters, 4 p.m., SH-219.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see page E2580 in today's Record.

House

Committee on Agriculture, Subcommittee on Forests, Family Farms and Energy, to continue hearings to review the economics of Federal timber sales, 9:30 a.m., 1302 Longworth.

Committee on Appropriations, Subcommittee on the District of Columbia, on Department of Human Services, on the Department of Recreation, and on Washington Convention Center, 10 a.m., with Members of Congress and public witnesses, 1 p.m., H-301, Capitol.

Committee on Armed Services, executive, to receive a classified briefing on the Strategic Defense Initiative (SDI) program, 8:30 a.m.; and to continue markup of H.R. 2554, Defense Procurement Conflict of Interest Act, 10 a.m., 2118 Rayburn.

Committee on Education and Labor, Subcommittee on Employment Opportunities, hearing on the following bills: H.R. 370, to amend title VII of the Civil Rights Act of 1964 to make discrimination against handicapped individuals an unlawful employment practice; and H.R. 1294, Cancer Patients Employment Rights, 9:30 a.m., 2261 Rayburn.

Committee on Energy and Commerce, to markup the following bills: H.R. 1711, to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1986 and fiscal year 1987; and H.R. 2095, Daylight Saving Extension Act of 1985, 10 a.m., 2123 Rayburn.

Subcommittee on Commerce, Transportation and Tourism, hearing on the sale of Conrail, 9:30 a.m., 2322 Rayburn.

Committee on Foreign Affairs, Subcommittee on Human Rights and International Organization, hearing on U.S. Policy on Biological Diversity, 10 a.m., 2200 Rayburn.

Committee on Government Operations, Subcommittee on Government Activities and Transportation, to continue

hearings on Irregularities in Amtrak Handling of Management Crime, 9 a.m., 2203 Rayburn.

Committee on Interior and Insular Affairs, Subcommittee on Energy and the Environment, to continue hearings on the following bills: H.R. 51 to amend the Price-Anderson Act; H.R. 445, to amend the Price-Anderson Act to remove the liability limits for nuclear accidents, to provide better economic protection for people living near nuclear powerplants and nuclear transportation routes; and H.R. 2524, the Federal Nuclear Waste Disposal Liability Act of 1985, and on the NRC report to Congress, December 1983, entitled: "Price-Anderson—The Third Decade," 9:45 a.m., B-352 Rayburn.

Subcommittee on Mining and Natural Resources, hearing on H.R. 1520, National Copper Policy Act of 1985, 9:45 a.m., 1324 Longworth.

Subcommittee on National Parks and Recreation, hearing on H.R. 1343, to authorize the use of funds from rental of floating drydocks and other marine equipment to support the National Maritime Museum in San Francisco, CA; to be followed by a markup of H.R. 1390, to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, CA, 9:45 a.m., 210 Cannon.

Committee on the Judiciary, Subcommittee on Courts, Civil Liberties, and the Administration of Justice, hearing on H.R. 2633, Rules Enabling Act of 1985, 2 p.m., 2226 Rayburn.

Subcommittee on Crime, oversight hearing on investigation and prosecution of pharmacy robberies, 10 a.m., 2237 Rayburn.

Committee on Public Works and Transportation, Subcommittee on Aviation, hearing on legislation to regulate attempts to acquire control of airlines, including consideration of H.R. 2575, Preservation of International Air Service Act of 1985, 10 a.m., 2167 Rayburn.

Committee on Rules, to consider the following measures: H.R. 1872, Department of Defense Authorization Act, 1986; H.R. 1787, to amend the Export-Import Act of 1945; and H.R. 1452, Refugee Assistance Extension Act of 1985, 10:30 a.m., H-313 Capitol.

Committee on Small Business, to markup H.R. 2540, to authorize the appropriation of funds to the Small Business Administration, 9:30 a.m., 2359A Rayburn.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing to investigate the causes and consequences of the growing Federal tax burden on individuals with incomes below the poverty line, 10 a.m., 1100 Longworth.

Subcommittee on Social Security, hearing on the implementation of the Social Security Disability Amendments of 1984, 9 a.m., B-318 Rayburn.

Subcommittee on Trade, to continue hearings on Natural Resource Subsidies, 9 a.m., 2247 Rayburn.

Select Committee on Children, Youth, and Families, hearings on emerging trends in mental care for adolescents, 9:30 a.m., 2257 Rayburn.

Select Committee on Hunger, hearing on population and growth, 9:30 a.m., 2212 Rayburn.

D 630

CONGRESSIONAL RECORD — DAILY DIGEST

June 5, 1985

Next Meeting of the SENATE

10:30 a.m., Thursday, June 6

Senate Chamber

Program for Thursday: After one order for a Senator for a speech and the transaction of any routine morning business (at not later than 11 a.m.), Senate will begin consideration of S. 1003, Department of State Authorizations for FY 1986.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 6

House Chamber

Program for Thursday: Consideration of H.R. 2577, making supplemental appropriations for fiscal year 1985.



Congressional Record

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Thursday, June 6, 1985

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7575-S7685

Measures Introduced: Eleven bills and one resolution were introduced, as follows: S. 1248-1258, and S. Res. 178.

Page S7653

Measures Reported: Reports were made as follows: S. Con. Res. 47, observing the 20th anniversary of the enactment of the Older Americans Act of 1965.

S. 1166, to facilitate the adjudication of certain claims of United States nationals against Iran, to authorize the recovery of costs incurred by the United States in connection with the arbitration of claims of United States nationals against Iran, and for other purposes. (S. Rept. No. 99-78)

Page S7653

Measures Passed:

War Risk Insurance: Senate passed S. 413, to extend the provisions of title XII of the Merchant Marine Act of 1936, relating to war risk insurance.

Page S7684

Telephone Services for Senators: Senate passed S. 1141, amending title 2, United States Code, to require the Sergeant at Arms of the Senate to provide Senators with telephone service in their State offices, except services for which the charge is based on the amount of time the service is used.

Page S7684

Railroad Safety Authorizations: Senate passed S. 1080, amending the Federal Railroad Safety Act of 1970, authorizing additional funds for railroad safety, after agreeing to committee amendments thereto.

Page S7684

Indefinitely Postponed: Senate indefinitely postponed the following measures:

Defense Authorizations for FY 1986: S. 1029, to authorize funds for the military functions of the Department of Defense and to prescribe personnel

levels for the Department of Defense for fiscal year 1986, to authorize certain construction at military installations for such fiscal year, and to authorize funds for the Department of Energy for national security programs for such fiscal year.

Page S7685

Budget Act Waiver: S. Res. 156, to waive section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1029, listed above.

Page S7685

Budget Act Waiver: S. Res. 162, to waive section 303(d) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1029, listed above.

Page S7685

Department of State Authorizations for FY 1986-87: Senate began consideration of S. 1003, authorizing funds for the Department of State, the United States Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy for fiscal years 1986 and 1987, taking action on amendments proposed thereto, as follows:

Page S7587

Adopted:

By 55 yeas to 42 nays (Vote No. 112), Nunn Amendment No. 275, authorizing \$24,000,000 for fiscal year 1986 to be expended by the President for humanitarian assistance to the Nicaraguan democratic resistance.

Page S7627

Rejected:

(1) By 17 yeas to 79 nays (Vote No. 107), Dodd Amendment No. 271, relating to protection of United States security interests in Central America.

Page S7588

(2) By 48 yeas to 48 nays (Vote No. 108), Division I of Kennedy Amendment No. 272, to express the sense of the Congress that the United States should resume bilateral negotiations with the government of Nicaragua.

Page S7599

(3) By 31 yeas to 64 nays (Vote No. 109), Division II of Kennedy Amendment No. 272, to prohibit the introduction of Armed Forces of the United States into or over Nicaragua.

Page S7599

(4) By 15 yeas to 81 nays (Vote No. 110), Hart Amendment No. 273, to restrict the circumstances under which combat units of the United States Armed Forces may be introduced into Central America.

Page S7610

(5) By 22 yeas to 75 nays (Vote No. 111), Biden modified Amendment No. 274, to establish terms for U.S. policy toward Nicaragua.

Page S7617

Senate will continue consideration of the bill and amendments proposed thereto on Friday, June 7.

Messages from the House: Page S7651

Measures Referred: Page S7651

Measures Ordered Placed on Calendar: Page S7651

Petitions and Memorials: Page S7651

Communications: Page S7651

Statements on Introduced Bills: Page S7654

Additional Cosponsors: Page S7664

Amendments Submitted: Page S7670

Committee Authority to Meet: Page S7673

Additional Statements: Page S7673

Record Votes: Six rollcall votes were taken today. (Total—112)

Pages S7598, S7610, S7616, S7627, S7648

Recess: Senate convened at 10:30 a.m., and recessed at 8:10 p.m., until 8:30 a.m., on Friday, June 7, 1985. (For Senate's program, see the remarks of Senator Dole in today's Record on page S7685.)

Committee Meetings

(Committees not listed did not meet)

FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee continued markup of S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures, but did not complete action thereon, and will meet again on Tuesday, June 11.

D.C. PRISONS

Committee on Appropriations: Subcommittee on the District of Columbia resumed oversight hearings on the District of Columbia prison system, receiving testimony from Thomas Downs, Deputy Mayor for Operations/City Administrator, and James Palmer, Director, Department of Corrections, both of the District of Columbia Government; and Rodney Ahitow, Illinois Department of Corrections, Springfield, and consultant to D.C. Department of Corrections for education and vocation programs.

Hearings continue on Tuesday, June 11.

CORPORATE TAKEOVERS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities resumed hearings to examine corporate takeovers, focusing on securities, financing and other aspects of mergers and acquisitions, receiving testimony from Felix G. Rohatyn, Lazard Freres and Company, Frederick H. Joseph, Drexel Burnham Lambert Inc., Harrison J. Goldin, Comptroller of the City of New York, representing the Council of Institutional Investors, Muriel F. Siebert, Muriel Siebert and Company, John A. Georges, International Paper Company, on behalf of the Business Council of New York State Inc., Kenneth H. Miller, Merrill Lynch Capital Markets, Warren M. Foss, Jr., and Roger Miller, both of Salomon Brothers, Inc., and Ralph Ingersoll, Ingersoll Newspapers, Inc., all of New York, New York; Andrew C. Sigler, Champion International Corporation, Stamford, Connecticut, on behalf of the Business Roundtable; and Alexander B. Trowbridge, National Association of Manufacturers, Washington, D.C.

Hearings continue on Wednesday, June 12.

SPACE SHUTTLE MISSION 51-D

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings on the in-flight activities of Space Shuttle mission 51-D, after receiving testimony from crew members, Senator Garn; Col. Karol J. Bobko, Commander, Donald E. Williams, Pilot, M. Rhea Seddon, Capt. David Griggs, and Jeffrey A. Hoffman, all Mission Specialists, and Charles D. Walker, Payload Specialist.

COAL IMPORTS

Committee on Energy and Natural Resources: Subcommittee on Natural Resources Development and Production concluded oversight hearings on the importation of foreign coals into the United States and its effects on America's economic and trade interests, after receiving testimony from Senator Byrd; Wil-

June 6, 1985

CONGRESSIONAL RECORD — DAILY DIGEST

D 633

liam A. Vaughan, Assistant Secretary of Energy for Environment, Safety and Health; E. Allan Wendt, Deputy Assistant Secretary of State for International Energy and Resources Policy; Michael T. Kelley, Deputy Assistant Secretary of Commerce for Basic Industries; Hermann Enzer, Assistant Director, Mineral Data Analysis, Bureau of Mines, Department of the Interior; Richard L. Trumka, United Mine Workers of America, Daniel R. Gerkin, Mining and Reclamation Council of America, and A. Denny Ellerman, National Coal Association, all of Washington, D.C.; Richard C. Kiddoo, Exxon Coal International, New York, New York; Glenn R. Schleede, New England Energy Inc., Westborough, Massachusetts, on behalf of New England Electric System; and Forrest Hill, Hill and Associates, Annapolis, Maryland.

NOMINATION/IMPUTED INTEREST RULES

Committee on Finance: Committee ordered favorably reported the following business items:

The nomination of Robert M. Kimmitt, of Virginia, to be General Counsel of the Department of the Treasury; and

H.R. 2475, to modify the imputed interest provisions of the Deficit Reduction Act of 1984, relating to tax treatment of imputed interest on deferred payments of property, with amendments.

A press release summarizing the action taken by the committee today will be available in the committee office in room SD-219.

NOMINATION

Committee on Governmental Affairs: Committee concluded hearings on the nomination of Donald J. Devine, of Maryland, to be Director of the Office of Personnel Management, after the nominee testified and answered further questions in his own behalf.

BUSINESS MEETING

Committee on Labor and Human Resources: Subcommittee on the Handicapped approved for full committee consideration the following bills:

S. 415, to clarify the intent of Congress to protect the educational rights of handicapped children, with an amendment; and

S. 974, to provide for protection and advocacy for mentally ill persons, with an amendment in the nature of a substitute.

INTELLIGENCE BRIEFING

Select Committee on Intelligence: Committee met in closed session to receive a briefing on intelligence matters from officials of the intelligence community, but made no announcements, and recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 21 public bills, H.R. 2683-2703; and 8 resolutions, H.J. Res. 308 and 309, H. Con. Res. 161-163, and H. Res. 191-193 were introduced.

Page H4015

Bills Reported: Reports were filed as follows:

H.R. 2385, to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such Act, amended (H. Rept. 99-161);

H. Res. 191, providing for the consideration of H.R. 1452, to amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance (H. Rept. 99-163); and

H. Res. 192, providing for the consideration of H.R. 1787, to amend the Export-Import Bank Act of 1945 (H. Rept. 99-164).

Page H4014

Journal: By a ye-a-and-nay vote of 266 yeas to 127 nays with 2 voting "present", Roll No. 142, the House approved the Journal of Wednesday, June 5.

Page H3931

Supplemental Appropriations: House completed all general debate and began reading for amendment on H.R. 2577, making supplemental appropriations for the fiscal year ending September 30, 1985; but came to no resolution thereon. Consideration of amendments is scheduled to continue on Tuesday, June 11.

Page H3942

Agreed To:

An amendment that appropriates \$4.27 million for States and local agencies to carry out the distribution of surplus commodities under the Temporary Emergency Food Assistance Act of 1983;

Page H3963

An amendment that appropriates \$4 million to the Legal Services Corporation to establish the Gillis W.

D 634

CONGRESSIONAL RECORD — DAILY DIGEST

June 6, 1985

Long Poverty Law Center at Loyola University School of Law in New Orleans;

Page H3974

An amendment that provides that funding for Navy aircraft procurement be made available only after enactment of appropriate authorizing legislation;

Page H3979

An amendment that provides for smooth transition of the new dental officer special pay program; and

Page H3980

An amendment, as amended (by a recorded vote of 203 ayes to 202 noes, Roll No. 145), that appropriates \$50 million for new water projects and \$1.5 million for flood control, Mississippi River (agreed to by a recorded vote of 325 ayes to 74 noes, Roll No. 146).

Page H3982

Points of order were sustained against the following provisions of the bill:

Language making appropriations for the Federal Communications Commission;

Page H3972

Language appropriating \$11 million for salaries and expenses, United States attorneys and marshals;

Page H3972

Language appropriating \$2.9 million for salaries and expenses, FBI, and providing that \$10 million in funds for the relocation of the Washington field office within the District of Columbia remain available until expended; and

Page H3973

Language making appropriations for Corps of Engineers, Civil, for water and flood control projects.

Page H3980

A point of order was sustained against an amendment that sought to require a detailed report to be submitted for congressional review regarding relocation of the Fort Lauderdale, Florida, Monitoring Station, Federal Communications Commission.

Page H3972

An amendment was offered but subsequently withdrawn that sought to strike language prohibiting use of funds for enforcement of any rule with respect to the repayment of construction differential subsidies for the permanent release of vessels from certain restrictions of the Merchant Marine Act.

Page H3968

H. Res. 186, the rule waiving certain points of order against the bill, was agreed to earlier by a yea-and-nay vote of 267 yeas to 149 nays, Roll No. 143. Agreed to a technical amendment to the rule.

Page H3935

Legislative Program: The Majority Leader announced the legislative program for the week of June 10. Agreed to adjourn from Thursday to Monday.

Page H3993

Calendar Wednesday: Objection was heard to a unanimous-consent request to dispense with Calendar Wednesday business of June 12.

Page H3994

Referral: One Senate-passed measure was referred to the appropriate House committee.

Page H4014

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H4017.

Quorum Calls—Votes: One quorum call, two yea-and-nay votes, and two recorded votes developed during the proceedings of the House today and appear on pages H3932, H3941, H3991, H3992 H3993.

Adjournment: Met at 10 a.m. and adjourned at 6:10 p.m.

Committee Meetings

(Committees not listed did not meet)

FEDERAL TIMBER SALES

Committee on Agriculture: Subcommittee on Forests, Family Farms and Energy concluded hearings to review the economics of Federal timber sales. Testimony was heard from public witnesses.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on Department of Human Services, on the Department of Recreation, and on Washington Convention Center. Testimony was heard from the following officials of the District of Columbia: George W. Demarest, Jr., General Manager, Washington Convention Center; Austin Kenny, Executive Director, Washington Convention Visitors Association; Polly Shackleton, member, Council, and Chairperson, Committee on Human Services; David E. Rivers, Director, Department of Human Services; and Joseph P. Yeldell, Chairperson, Inaugural Committee and Director, Office of Emergency Preparedness.

The Committee also heard testimony from Members of Congress and public witnesses.

June 6, 1985

CONGRESSIONAL RECORD — DAILY DIGEST

D 635

STRATEGIC DEFENSE INITIATIVE

Committee on Armed Services: Met in executive session to hold a hearing on the Strategic Defense Initiative (SDI) program. Testimony was heard from John Gardner, Director, Systems Division, Strategic Defense Initiative Organization.

DEFENSE PROCUREMENT CONFLICT OF INTEREST ACT

Committee on Armed Services: The Committee agreed to recommit to Subcommittee H.R. 2554, Defense Procurement Conflict of Interest Act.

MISCELLANEOUS MEASURES

Committee on Education and Labor: Subcommittee on Employment Opportunities held a hearing on the following bills: H.R. 370, to amend title VII of the Civil Rights Act of 1964 to make discrimination against handicapped individuals an unlawful employment practice; and H.R. 1294, Cancer Patients Employment Rights. Testimony was heard from Representative Moakley; and public witnesses.

NRC AUTHORIZATION; DAYLIGHT SAVING EXTENSION ACT

Committee on Energy and Commerce: Ordered reported amended H.R. 1711, to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1986 and fiscal year 1987.

The Committee also began markup of H.R. 2095, Daylight Saving Extension Act of 1985.

The Committee recessed subject to call.

SALE OF CONRAIL

Committee on Energy and Commerce: Subcommittee on Commerce, Transportation and Tourism held a hearing on the sale of Conrail. Testimony was heard from public witnesses.

U.S. POLICY ON BIOLOGICAL DIVERSITY

Committee on Foreign Affairs: Subcommittee on Human Rights and International Organization held a hearing on U.S. Policy on Biological Diversity. Testimony was heard from Dr. John Eriksson, Deputy Assistant Administrator, Bureau for Science and Technology, AID; and public witnesses.

AMTRAK HANDLING OF MANAGEMENT CRIME

Committee on Government Operations: Subcommittee on Government Activities and Transportation continued hearings on Irregularities in Amtrak Handling of Management Crime. Testimony was heard from the following officials of Amtrak: W. Graham Clay-

tor, Jr., President and Chairman of the Board of Directors; and Thomas Hackney, Executive (Group) Vice President and Chief Operating Officer; and public witnesses.

Hearings continue June 13.

PRICE-ANDERSON AND NUCLEAR LIABILITY LEGISLATION

Committee on Interior and Insular Affairs: Subcommittee on Energy and the Environment concluded hearings on the following bills: H.R. 51 to amend the Price-Anderson Act; H.R. 445, to amend the Price-Anderson Act to remove the liability limits for nuclear accidents, to provide better economic protection for people living near nuclear powerplants and nuclear transportation routes; and H.R. 2524, the Federal Nuclear Waste Disposal Liability Act of 1985, and on the NRC report to Congress, December 1983, entitled: "Price-Anderson—The Third Decade." Testimony was heard from Representative Morrison of Washington; James W. Vaughan, Jr., Acting Assistant Secretary for Nuclear Energy, Department of Energy; from the following officials of the State of New Mexico: Harry Swainston, Deputy Attorney General; and Denise D. Fort, Director, Environmental Improvement Division; and public witnesses.

NATIONAL COPPER POLICY ACT

Committee on Interior and Insular Affairs: Subcommittee on Mining and Natural Resources held a hearing on H.R. 1520, National Copper Policy Act of 1985. Testimony was heard from Senator Domenici; Representatives Rudd, and Kolbe; from the following officials of the Department of the Interior: Donald P. Hodel, Secretary; and Robert N. Broadbent, Assistant Secretary for Water and Science; Robert D. Wilson, Director, Office of Strategic Resources, Department of Commerce; Donald M. Phillips, Director of Interagency Coordination, Office of U.S. Trade Representative; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Interior and Insular Affairs: Subcommittee on National Parks and Recreation approved for full Committee action H.R. 1390, to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, CA.

The subcommittee also held a hearing on H.R. 1343, to authorize the use of funds from rental of floating drydocks and other marine equipment to support the National Maritime Museum in San Francisco, CA. Testimony was heard from Mary Lou Grier, Deputy Director, National Park Service, Department of the Interior; and public witnesses.

D 636

CONGRESSIONAL RECORD — DAILY DIGEST

June 6, 1985

RULES ENABLING ACT

Committee on the Judiciary: Subcommittee on Courts, Civil Liberties, and the Administration of Justice held a hearing on H.R. 2633, Rules Enabling Act of 1985. Testimony was heard from public witnesses.

OVERSIGHT

Committee on the Judiciary: Subcommittee on Crime held an oversight hearing on investigation and prosecution of pharmacy robberies. Testimony was heard from the following officials of the Department of Justice: James Knapp, Deputy Assistant Attorney General, Criminal Division; and Wayne Gilbert, Deputy Assistant Director, FBI; and public witnesses.

REGULATE ATTEMPTS TO ACQUIRE CONTROL OF AIRLINES

Committee on Public Works and Transportation: Subcommittee on Aviation held a hearing on legislation to regulate attempts to acquire control of airlines, including consideration of H.R. 2575, Preservation of International Air Service Act of 1985. Testimony was heard from Representatives Young of Missouri, and Coleman of Missouri; Matthew V. Scocozza, Assistant Secretary for Policy and International Affairs, Department of Transportation, Richard C. Berkley, Mayor, Kansas City, Missouri; and public witnesses.

REFUGEE ASSISTANCE EXTENSION ACT

Committee on Rules: Granted an open rule providing one hour of debate on H.R. 1452, Refugee Assistance Extension Act of 1985. Testimony was heard from Representatives Mazzoli and Lungren.

EXPORT-IMPORT ACT AMENDMENTS

Committee on Rules: Granted an open rule providing one hour of debate on H.R. 1787, to amend the Export-Import Act of 1945. Testimony was heard from Representatives Neal, Kleczka, and Wylie.

SMALL BUSINESS ADMINISTRATION AUTHORIZATION

Committee on Small Business: Began markup of H.R. 2540, to authorize the appropriation of funds to the Small Business Administration.

FEDERAL TAX BURDEN ON INDIVIDUALS BELOW THE POVERTY LINE

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing to investigate the causes and consequences of the growing Federal tax burden on individuals with incomes below the poverty line. Testimony was heard from

Speaker O'Neill; Representative Gephardt; and public witnesses.

SOCIAL SECURITY DISABILITY AMENDMENTS IMPLEMENTATION

Committee on Ways and Means: Subcommittee on Social Security held a hearing on the implementation of the Social Security Disability Amendments of 1984. Testimony was heard from Representative Frank; Martha McSteen, Acting Commissioner, Social Security Administration, Department of Health and Human Services; Carolyn Kuhl, Deputy Assistant Attorney General, Civil Division, Department of Justice; from the following officials of the State of New York: Robert Abrams, Attorney General; and Cesar A. Perales, Commissioner, Department of Social Services; Philip Johnston, Secretary, Executive Office of Human Services, Commonwealth of Massachusetts; and public witnesses.

NATURAL RESOURCE SUBSIDIES

Committee on Ways and Means: Subcommittee on Trade concluded hearings on Natural Resource Subsidies. Testimony was heard from Senator Baucus; Representatives Bonker, Weaver, Williams, McKernan, Rowland, and Thomas of Georgia; Michael B. Smith, Acting U.S. Trade Representative; Alan F. Holmer, Deputy Assistant Secretary for Import Administration; and public witnesses.

MENTAL CARE FOR ADOLESCENTS

Select Committee on Children, Youth, and Families: Held a hearing on emerging trends in mental care for adolescents. Testimony was heard from public witnesses.

POPULATION AND GROWTH

Select Committee on Hunger: Held a hearing on population and growth. Testimony was heard from Representatives Scheuer, Porter, and Levin; and public witnesses.

**COMMITTEE MEETING FOR FRIDAY,
JUNE 7, 1985**

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Defense, business meeting, to mark up the defense provisions of H.R. 2577, making supplemental appropriations for the fiscal year ending September 30, 1985 (pending on House calendar), 10 a.m., SD-192.

Committee on the Judiciary, business meeting, to consider pending calendar business, 9:30 a.m., SD-226.

June 6, 1985

CONGRESSIONAL RECORD — DAILY DIGEST

D 637

Full Committee, to hold hearings on S. 51, the Superfund Improvement Act, focusing on certain judicial provisions, 10 a.m., SD-226.

House

Committee on House Administration, Task Force on Contested Elections: *Hansen v. Stallings*, to consider pending business, 9:30 a.m., H-328 Capitol.

Committee on Ways and Means, to continue hearings on the President's proposal for comprehensive tax reform, 9 a.m., 1100 Longworth.

Joint Meeting

Joint Economic Committee, to hold hearings on the employment/unemployment situation for May, 9:30 a.m., 2359 Rayburn Building.

D 638

CONGRESSIONAL RECORD — DAILY DIGEST

June 6, 1985

Next Meeting of the SENATE

8:30 a.m., Friday, June 7

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, June 10

Senate Chamber

Program for Friday: After two orders for Senators for speeches and the transaction of any routine morning business (at not later than 9 a.m.), Senate will continue consideration of S. 1003, Department of State Authorizations for FY 1986-87.

House Chamber

Program for Monday: No legislative business is scheduled.

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E2599
Anderson, Glenn M., Calif., E2608, E2614, E2633
Barnes, Michael D., Md., E2587
Biaggi, Mario, N.Y., E2584, E2587, E2592, E2597
Bonior, David E., Mich., E2630
Broomfield, Wm. S., Mich., E2623
Burton, Sala, Calif., E2583
Campbell, Carroll A., Jr., S.C., E2611
Chappell, Bill, Jr., Fla., E2632
Coleman, Ronald D., Tex., E2629
Courter, Jim, N.J., E2599, E2604
Crane, Philip M., Ill., E2606
Dingell, John D., Mich., E2590
Florio, James J., N.J., E2592, E2629
Ford, Harold E., Tenn., E2619, E2621
Frank, Barney, Mass., E2595
Frenzel, Bill, Minn., E2632
Gekas, George W., Pa., E2591
Green, Bill, N.Y., E2603

Guarini, Frank J., N.J., E2594, E2624
Gunderson, Steve, Wis., E2588, E2612
Hartnett, Thomas F., S.C., E2603
Jeffords, James M., Vt., E2600, E2636
Leland, Mickey, Tex., E2594, E2625, E2636
Levine, Mel, Calif., E2600
Lewis, Tom, Fla., E2630
McKernan, John R., Jr., Maine, E2602
Matsui, Robert T., Calif., E2635
Mikulski, Barbara A., Md., E2610
Miller, George, Calif., E2631
Mineta, Norman Y., Calif., E2606
Montgomery, G.V. (Sonny), Miss., E2599
Moorhead, Carlos J., Calif., E2632
Mrazek, Robert J., N.Y., E2633
Murphy, Austin J., Pa., E2605
Rahall, Nick Joe, II, W. Va., E2628
Rangel, Charles B., N.Y., E2596, E2621, E2626, E2631
Ritter, Don, Pa., E2629
Rogers, Harold, Ky., E2632
Roybal, Edward R., Calif., E2614

Sabo, Martin Olav, Minn., E2598
St Germain, Fernand J., R.I., E2585
Schumer, Charles E., N.Y., E2601
Snowe, Olympia J., Maine, E2632
Solomon, Gerald B.H., N.Y., E2635
Stark, Fortney H. (Pete), Calif., E2626, E2636
Stokes, Louis, Ohio, E2586
Tallon, Robin, S.C., E2631
Thomas, Robert Lindsay, Ga., E2589
Thomas, William M., Calif., E2633
Torres, Esteban Edward, Calif., E2628
Torricelli, Robert G., N.J., E2630
Udall, Morris K., Ariz., E2591
Waxman, Henry A., Calif., E2608
Weiss, Ted, N.Y., E2627, E2630
Whitehurst, G. William, Va., E2596
Wolpe, Howard, Mich., E2634
Wyden, Ron, Oreg., E2627
Young, C.W. Bill, Fla., E2610



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